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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/293,828		Hidetoshi KITANAKA	1032404-000205	4699

21839 7590 12/10/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
12/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

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P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of	
Hidetoshi Kitanaka	**: DECISION ON REQUEST TO**
Application No.: 12/293,828	**: PARTICIPATE IN THE PATENT**
Filed: 22 September 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 1032404-000205	**: PROGRAM AND PETITION**
For: BIDIRECTIONAL BUCK BOOST DC-DC CONVERTER, RAILWAY COACH DRIVE CONTROL SYSTEM, AND RAILWAY FEEDER SYSTEM	**: TO MAKE SPECIAL UNDER : 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 22 September 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

   (c) a so-called bypass application filed under 35 U.S.C. 111(a) which

validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

        Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 2 and 4-7 above are considered to have been met. However the request to participate in the PPH program fails to meet conditions 1 and 3.

Regarding condition 1, the instant application complies with section 1(b)(iii), it being a national stage application under the PCT which has no priority claim. However, no identification between the JPO application that contains the allowable/patentable claims (2006-552392) and the priority application (i.e., the international application PCT/JP/305734) claimed in the U.S. application has been established. Applicant is required to establish this relationship in response to this dismissal.

Regarding condition 3, the claims correspondence page submitted with applicant's petition does not identify the JPO application, nor does it point out which claims in the JPO application correspond to applicant's claims 21-23 and 41 in the instant application. In addition, claim 39 appears to be mapped to both claim 17 and 18 of the JPO application. Applicant is required to correct this error in response to this dismissal.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/293,828		Hidetoshi KITANAKA	1032404-000205	4699

21839 7590 03/05/2009
BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
03/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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In re Application of	**: DECISION ON REQUEST TO**
Hidetoshi Kitanaka	**: PARTICIPATE IN THE PATENT**
Application No.: 12/293,828	**: PROSECUTION HIGHWAY**
Filed: 22 September 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 1032404-000205	**: TO MAKE SPECIAL UNDER**
For: BIDIRECTIONAL BUCK BOOST DC-DC CONVERTER, RAILWAY COACH DRIVE CONTROL SYSTEM, AND RAILWAY FEEDER SYSTEM	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 12 January, 2009, in response to the dismissal decision mailed 12/10/08, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

   (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

        Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 are considered to have been met. The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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24 SEP 2008

Lawrence R. Bernstein
285 Willow Road
Menlo Park CA 94025-2711

In re Application of	:	
BERNSTEIN	:	
U.S. Application No.: 12/293,877	:	DECISION ON PETITION
PCT No.: PCT/US07/63582	:	
Int. Filing Date: 08 March 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 09 March 2006	:	
Attorney Docket No.: None	:	
For: GALLIUM COMPOSITIONS FOR THE TREATMENT OF LIVER CANCER AND METHODS OF USE	:	

The petition to revive under 37 CFR 1.137(b) filed 22 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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2 9 DEC 2009

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23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of	:	
SAITOH *et al*	:	
U.S. Application No.: 12/293,895	:	
PCT No.: PCT/JP2007/053037	:	
Int. Filing Date: 20 February 2007	:	**DECISION**
Priority Date: 23 March 2006	:	
Docket No.: 4034-130	:	
For: LIQUID CRYSTAL DISPLAY DEVICE	:	

This is a decision on the paper titled "Statement Explaining Inventorship Discrepancy" filed 21 May 2009.

BACKGROUND

On 22 September 2008, applicants filed papers to enter the national stage of PCT/JP2007/053037 which was accompanied by, *inter alia*, an executed declaration. The fourth-named inventor was listed as Kazuyoshi FUJIOKA on the declaration. The international publication (WO 2007/108268) recorded the name as Kazuyosh FUZIOKA.

On 01 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) as the last name of an inventor did not correspond to the spelling on the international publication. Applicants were given two months to respond.

On 21 May 2009, applicants filed the subject response to the Form PCT/DO/EO/905.

DISCUSSION

In the subject response, applicants' state that the error is a transliteration error and the name on the declaration is the correct spelling of the inventor's last name.

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP.

A typographical error was made in the international application with regards to the last name of the inventor, Kazuyoshi FUJIOKA.

CONCLUSION

The declaration filed 22 September 2008 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 February 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 22 September 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FEB 10 2009

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TECHNOLOGY CENTER 2600

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of: AKIRA **SHIMIZU**
Application No.: 12/293,946
Filed: September 22, 2008

For: **INFORMATION RECORDING MEDIUM, INFORMATION RECORDING DEVICE AND METHOD, INFORMATION REPRODUCING DEVICE AND METHOD, AND COMPUTER PROGRAM**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 24, 2008, to make the above-identified application special.

The petition is **DISMISSED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest office actions (other than "Decision to Grant a Patent") from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

A. Item 3 above. Specifically, claims in US application, listed in the claims correspondence table, do not match patentable claims in JPO application.

B. Item 5, above. Specifically, the petition fails to include a copy of the latest Office actions from the JPO application. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAIL

JUN 24 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of: AKIRA **SHIMIZU**
Application No.: 12/293,946
Filed: September 22, 2008

For: **INFORMATION RECORDING MEDIUM, INFORMATION RECORDING DEVICE AND METHOD, INFORMATION REPRODUCING DEVICE AND METHOD, AND COMPUTER PROGRAM**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 24, 2008, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest office actions (other than "Decision to Grant a Patent") from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ricky Ngo 571-272-3139.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Ricky Ngo/

Ricky Ngo
Supervisory Patent Examiner, Technology Center 2400
571-272-3139

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11 SEP 2009

YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA, VA 22314

In re Application of GUSTAFSSON et al	:	
U.S. Application No.: 12/293,978	:	
PCT Application No.: PCT/SE2007/050178	:	
Int. Filing Date: 20 March 2007	:	DECISION
Priority Date Claimed: 22 March 2006	:	
Attorney Docket No.: 1501-1350	:	
For: SURGICAL DRAPE HAVING AN ABSORBENT EDGE	:	

This is in response to applicant's petition under 37 CFR 1.48 filed 29 September 2008, which is being treated under 37 CFR 1.497(d).

BACKGROUND

On 20 March 2007, applicant filed international application PCT/SE2007/050178, which claimed priority of an earlier Sweden application filed 22 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 September 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 September 2008.

On 22 September 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 September 2008, applicant filed the present petition under 37 CFR 1.497(d) along with an executed declaration.

On 23 June 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

DISCUSSION

The petition states that Lars Alvelind should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the assignee has been provided. The assignee has established the right to take action in compliance with 37 CFR 3.73(b).

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 23 June 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 20 March 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 September 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

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APR 08 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Eiichi Nakamura et al :
Application No. 12/294,002 :
Filed: September 22, 2008 :
Attorney Docket No. 065393-5018

This is a decision on the petition, filed April 6, 2010 and supplemented on April 7, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 8, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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17 FEB 2010

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of:	:	
MOTEGI, Masayuki, et al.	:	DECISION
U.S. Application No.: 12/294,054	:	
PCT No.: PCT/JP2007/056273	:	
International Filing Date: 26 March 2007	:	
Priority Date: 28 March 2006	:	
Atty Docket No.: BDL-594XX	:	
For: BASE STATION, ROUTE	:	
CONTROL DEVICE, AND	:	
HANDOVER CONTROL METHOD	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 11 August 2009, treated herein in part as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date accorded to the present national stage application. No petition fee is required.

BACKGROUND

On 26 March 2007, applicants filed international application PCT/JP2007/056273. The international application claimed a priority date of 28 March 2006, and it designated the United States. On 18 October 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 28 September 2008.

On 23 September 2008, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an unexecuted declaration.

On 21 October 2008, applicants filed an executed declaration in compliance with 37 CFR 1.497.

On 02 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 23 September 2008. Also on 02 June 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 23 September 2008.

On 02 June 2009, applicants filed the "Request For Corrected Filing Receipt" considered in part herein as a petition under 37 CFR 1.181. The petition asserts that, because the executed declaration that completed the requirements of 35 U.S.C. 371(c) was filed on 21 October 2008, the correct 35 U.S.C. 371(c) date for the present application is 21 October 2008.

DISCUSSION

A review of the application file confirms that the executed declaration that completed the requirements of 35 U.S.C. 371(c) was filed herein on 21 October 2008. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 21 October 2008, as asserted by applicants in the present petition.[1]

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 02 June 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements," is appropriately vacated. In addition, the filing receipt, which incorrectly identified the 35 U.S.C. 371(c) date as 23 September 2008, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 21 October 2008.

The revised filing receipt should also be corrected to properly identify the number of independent claims as 3 (claim numbers 1, 7, and 10), as also requested by applicants in the present submission.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 02 June 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements," and the filing receipts that incorrectly identified the 35 U.S.C. 371(c) date as 23 September 2008, are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **21 October 2008**.

[1] Deposit Account No. 50-0591 will be charged the $130 surcharge for filing the declaration later than thirty months after the priority date.

The revised filing receipt should also be corrected to identify the number of independent claims as 3.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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TECHNOLOGY CENTER 2600

A PATENT LAWYER CORP, PLC
R WILLIAM GRAHAM
22 S ST CLAIR ST
DAYTON OH 45402

In re Application of	:	
BARNES, SHARON ANN et al.	:	DECISION ON REQUEST TO
Application No. 12/294,056	:	PARTICIPATE IN PATENT
Filed: September 23, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. S-00060-001	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed September 23, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

1 0 SEP 2009

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

In re Application of:	:	
ROWE, Anthony, John, et al.	:	DECISION REGARDING
U.S. Application No.: 12/294,144	:	SUBMISSION UNDER
PCT No.: PCT/IB2007/051026	:	37 CFR 1.42
International Filing Date: 23 March 2007	:	
Priority Date: 24 March 2006	:	
Attorney's Docket No.: 007503.00001	:	
For: DETONATION OF EXPLOSIVES	:	

This decision is issued in response to applicants' submission on 22 July 2009 of a declaration executed on behalf of deceased inventor Cornelius du Plooy CONRADIE by the deceased inventor's legal representative, Daniel Gerhardus Kolver, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 23 March 2007, applicants filed international application PCT/IB2007/051026. The international application claimed a priority date of 24 March 2006, and it designated the United States. On 04 October 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 September 2008.

On 23 September 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 04 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 22 July 2009, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and the declaration considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 22 July 2009 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, Daniel Gerhardus Kolver, and it identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Cornelius du Plooy CONRADIE is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 22 July 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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P.O. BOX 10648
GREENVILLE SC 29603

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OFFICE OF PETITIONS

In re Application of	:	
Gordhanbhain Patel	:	DECISION ON PETITION
Application No. 12/294,148	:	TO MAKE SPECIAL
Application Deposited September 23, 2008	:	37 CFR 1.102(C)
Attorney Docket No. 27845-59	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 26, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

In the instant petition for expedition due to age, there is no statement from the registered practitioner that he has evidence that the applicant is 65 years of age or older.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit yet to be assigned for action in its regular turn.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of	:	
Gordhanbhain Patel	:	DECISION ON PETITION
Application No. 12/294,148	:	TO MAKE SPECIAL
Application Deposited: September 23, 2008	:	37 CFR 1.102(C)
Attorney Docket No. 27845-59	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed November 14, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the attorney for the applicant that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit as yet to be assigned for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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2 7 APR 2009

Zies Widerman & Malek, P.L.
202 N. Harbor City Blvd
Suite #101
Melbourne FL 32935

In re Application of:	:	
Peter Cyril White	:	
Application No.: 12/294,151	:	DECISION ON PETITION
PCT No.: PCT/GB07/50138	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 March 2007	:	
Priority Date: 23 March 2006	:	
Attorney Docket No.: 98.3727	:	
For: PREPARATION OF STABLE SILVER COLLOIDS		

The petition to revive under 37 CFR 1.137(b) filed 16 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/294,171	09/23/2008	Masayuki Kai	081356-0307	7334

22428 7590 01/07/2010
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
ART UNIT	PAPER NUMBER
1644	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

JAN 0 7 2010

In re Application of KAI, MASAYUKI Application No. 12/294,171 Filed: September 23, 2008 Attorney Docket No. 081356-0307	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 6 October 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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JAN 06 2010

OFFICE OF PETITIONS

PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

In re Application of	:	
Wojciech SARNA, et al	:	
Application No. 12/294,193	:	DECISION ON PETITION
Filed: September 23, 2008	:	TO WITHDRAW
Attorney Docket No. HTL0001-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include the current correspondence address for either : (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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Dorsey & Whitney LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

In re Application of	:	
EIDENBERGER, Thomas	:	
U.S. Application No. 12/294,202	:	
PCT No.: PCT/AT07/00104	:	
Int. Filing Date: 01 March 2007	:	
Priority Date: 02 March 2006	:	DECISION ON PETITION
Attorney Docket No.: 190725/US	:	
For: PROCESS FOR THE MANUFACTURE OF A COMPOSITION CONTAINING AT LEAST ONE XANTHOPHYLL	:	

The petition to revive under 37 CFR 1.137(b) filed 23 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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10 OCT 2008

Frank W. Compagni
734 East 200 South
Salt Lake City, UT 84102

In re Application of KUNTZ, JOHANN. Application No.: 12/294,226 PCT No.: PCT/EP2006/011241 Int. Filing Date: 23 November 2006 Priority Date: 20 December 2005 For: SEMIFINISHED PRODUCT FOR PRODUCING A PLASTIC TUBE AND TUBE OF PLASTIC PRODUCED FROM IT	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 23 September 2008.

BACKGROUND

Applicant filed international application PCT/EP2006/011241, which designated the U.S. and claimed priority date of 20 December 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 June 2008. Accordingly, PCT/EP2006/011241 became abandoned as to the United States of America at midnight 20 June 2008 for failure to timely pay the Basic National Fee.

On 23 September 2008, applicant submitted paper for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2)

the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $1540 petition fee has been charged to credit card as authorized by applicants.

Regarding item (3), the requisite statement has been provided.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

15 OCT 2008

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KOLISCH HARTWELL, P.C.
200 PACIFIC BUILDING
520 SW YAMHILL STREET
PORTLAND OR 97204

In re Application of: NATTA, Antal
U.S. Application No.: 12/294,234
PCT No.: PCT/HU2006/000074
International Filing Date: 12 September 2006
Priority Date: 12 September 2005
Atty Docket No.: SJZ 306
For: CONNECTOR FOR CONNECTING WELDING TORCH

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 23 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/HU2006/000074 became abandoned with respect to the United States at midnight on 12 March 2008 based on applicants' failure to submit the basic national fee prior to the expiration of thirty months from the priority date.[1]

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" (with accompanying "Statement Establishing Unintentional Delay") satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicant has not submitted an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] The present petition indicates that a request for national stage entry was filed on 12 March 2008, without the basic national fee. However, USPTO records contain no record of a 12 March 2008 submission regarding this international application, and the present petition includes no evidence confirming the receipt in the USPTO of any such submission.

UNITED STATES PATENT AND TRADEMARK OFFICE

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VALLEY FORGE PA 19482

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of	:	
Platzgummer, Elmar	:	
Application No. 12/294,262	:	ON PETITION
Filed: September 24, 2008	:	
Attorney Docket No. IMSN-116US	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/294,281	09/24/2008	Hari Rajaraman	1200614 N US	8344

35227 7590 07/19/2010
POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

EXAMINER
PAK, HANNAH J

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

July 19, 2010

In re application of	:	DECISION ON REQUEST TO
Hari Rajaraman et al.	:	PARTICIPATE IN PATENT
Serial No. 12/294,281	:	PROSECUTION HIGHWAY
Filed: September 24, 2008	:	PROGRAM AND
For: LIQUID COLOR CONCENTRATE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

MAIL

NOV 10 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
KANAMORL, KATSUHIRO, et al.	:	DECISION ON REQUEST TO
Application No. 12/294,317	:	PARTICIPATE IN PATENT
Filed: September 24, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **OKUDP0331US**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 20, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAILED

MAY 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Kenji Inoue	:	
Application No. 12/294,345	:	DECISION GRANTING PETITION
Filed: September 24, 2008	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 079195-0661	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 10, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 26, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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DICKINSON WRIGHT, PLLC
1875 EYE STREET NW, SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of

Joachim CHARZINSKI, et *al.*
Application No. 12/294,358
Filed: October 28, 2009
Attorney Docket No. **2005P16867 (NSN)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 31, 2010.

The request is **APPROVED**.

A review of the file record indicates that Kevin R. Spivak of Dickinson Wright, PLLC: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Kevin R. Spivak and all attorneys associated with Dickinson Wright, PLLC have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will continue to be directed to the first copied address below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER, LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

cc: **NOKIA SIEMENS NETWORKS GMBH & CO, KG**
CTO RTP IPR/PATENT ADMINISTRATION
MUNICH, GERMANY 80240

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/294,432	09/25/2008	Atsushi Morishita	352005-000001	9758

7590 02/17/2010

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER
REDDING, DAVID A

ART UNIT	PAPER NUMBER
3723	

MAIL DATE	DELIVERY MODE
02/17/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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2 2 MAY 2009

Fletcher Yoder P.C.
7915 FM 1960 Rd. West
Suite 330
Houston, TX 77070

In re Application of NOVAK, David U.S. Application No.: 12/294,582 PCT No.: PCT/US06/12635 Int. Filing Date: 30 March 2006 Priority Date: None Attorney Docket No.: PUT060001/THMT:0002 For: COMMUNICATION CIRCUIT WITH SELECTABLE SIGNAL VOLTAGE	DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to applicant's "Petition pursuant to 37 CFR 1.47(b)" filed 26 March 2009 to accept the application without the signature of sole inventor, David Novak. The $200 petition fee has been submitted.

BACKGROUND

On 30 March 2006, applicant filed international application PCT/US06/12635. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 25 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 27 January 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 26 March 2009, applicant filed a petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Applicant here has submitted the appropriate petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition asserts that the nonsigning inventor has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate David Novak's refusal to execute the application papers is contained in the Declaration of Helen Tinsley included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventors have been provided.

As to item (4), applicant has submitted an "Oath in Accordance with 37 CFR 1.63 and 1.64" which states that "I am authorized to practice before the U.S.P.T.O. and my registration number is 34,567. I am also authorized to sign on behalf of TTE Technology." Section 409.03(b) of the MPEP states, "[t]he 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. . . . A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation." Here, the oath provided with the present petition is defective, in that: (1) the oath contains an incorrect registration number (34,567) for W. Allen Powell, and (2) the oath gives the impression that W. Allen Powell is signing on behalf of Fletcher and Yoder, not the assignee, TTE Technologies.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Petitioner asserts a proprietary interest based on an employment agreement executed by the nonsigning inventor. The MPEP states the following with respect to an agreement in writing to assign an invention:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

Petitioner has submitted sufficient evidence that the inventor has agreed to assign the instant application to TTE Technology Inc. Petitioner states that David Novak is obligated to assign all of his rights, title, and interest in the subject application to TTE Technology Inc., via an employment agreement. The employment agreement has been provided with the present petition. Additionally, an affidavit by a person having firsthand knowledge of the facts, that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant, has been provided. Therefore, petitioner has provided sufficient proof that the 37 CFR 1.47(b) applicant has a proprietary interest in the application.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of David Novak under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration

request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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2 2 JUN 2009

Fletcher Yoder P.C.
7915 FM 1960 Rd. West
Suite 330
Houston, TX 77070

In re Application of: NOVAK, David U.S. Application No.: 12/294,582 PCT No.: PCT/US06/12635 Int. Filing Date: 30 March 2006 Priority Date: None Attorney Docket No.: PUT060001/THMT:0002 For: COMMUNICATION CIRCUIT WITH SELECTABLE SIGNAL VOLTAGE	DECISION ON PETITION UNDER 37 CFR 1.47(b)

In a decision mailed by this Office on 22 May 2009, the petition under 37 CFR 1.47(b) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor.

On 16 June 2009, petitioner filed the renewed petition considered herein. The renewed petition is accompanied by an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor. Petitioner has therefore satisfied the final requirement for a grantable petition.

The renewed petition under 37 CFR 1.47(b) is **GRANTED**. The application is accepted without the signature of nonsigning inventor David NOVAK.

A notice of the acceptance of the application under 37 CFR 1.47(c) will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the renewed petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 June 2009.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 2 JUN 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David Novak
17152 Shadoan Way
Westfield IN 46074-8808

In re Application of: NOVAK, David
U.S. Application No.: 12/294,582
PCT No.: PCT/US06/12635
Int. Filing Date: 30 March 2006
Priority Date: None
Attorney Docket No.: PUT060001/THMT:0002
For: COMMUNICATION CIRCUIT WITH SELECTABLE SIGNAL VOLTAGE

Dear Mr. Novak:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

Counsel of Record:
Fletcher Yoder P.C.
7915 FM 1960 Rd. West
Suite 330
Houston, TX 77070

9 NOV 2009

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Alexandria, VA 22313-1450
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Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of	:	
ADRIAANSEN et al.	:	
Application No.: 12/294,589	:	DECISION
PCT No.: PCT/US2007/081410	:	
Int. Filing Date: 15 October 2007	:	
Priority Date: 13 October 2006	:	
Attorney Docket No.: 03310.0001U3	:	
For: METHODS AND SYSTEM FOR	:	
KNOWLEDGE DISCOVERY	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 23 September 2009. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 15 October 2007, applicants filed international application PCT/US2007/081410, which designated the United States and claimed a priority date of 13 October 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 17 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2009.

On 25 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 September 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, a declaration of facts by Charley F. Brown and supporting documentation.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Here, it is not clear that non-signing inventor Edwin Adriaansen was presented with a copy of the application papers. Although the e-mial of 18 September 2009 sent at 11:26 am references the application papers, there is no indication that this e-mail was received by Mr. Adriaansen.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

- 1 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

In re Application of	:	
ADRIAANSEN et al.	:	
Application No.: 12/294,589	:	DECISION
PCT No.: PCT/US2007/081410	:	
Int. Filing Date: 15 October 2007	:	
Priority Date: 13 October 2006	:	
Attorney Docket No.: 03310.0001U3	:	
For: METHODS AND SYSTEM FOR	:	
KNOWLEDGE DISCOVERY	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 17 December 2009. The petition is **GRANTED**.

BACKGROUND

On 15 October 2007, applicants filed international application PCT/US2007/081410, which designated the United States and claimed a priority date of 13 October 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 17 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 April 2009.

On 25 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 26 February 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 September 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, a declaration of facts by Charley F. Brown and supporting documentation.

On 09 November 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 16 November 2009, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/909) according the application both a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 23 September 2009.

On 17 December 2009, applicants submitted the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a declaration of facts by John G. Graves and supporting documentation.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 09 November 2009, items (1), (3), and (4) have been met.

Item (2) has now been met. It has been established that non-signing inventor Mr. Adriaansen was presented with a copy of the application papers. Mr. Adriaansen's conduct constitutes a refusal to sign.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Although the NOTICE OF ACCEPTANCE OF APPLICATION mailed 23 September 2009 was mailed before the petition under 37 CFR 1.47(a) was decided, it does include the correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates and is hereby affirmed.

This application is being forwarded to the Technology Center.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

- 1 FEB 2010

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. Edwin Adriaansen
Goilberdingerstratt 2bis
4101BP Culemborg
the Netherlands

In re Application of	:	
ADRIAANSEN et al.	:	
Application No.: 12/294,589	:	DECISION
PCT No.: PCT/US2007/081410	:	
Int. Filing Date: 15 October 2007	:	
Priority Date: 13 October 2006	:	
Attorney Docket No.: 03310.0001U3	:	
For: METHODS AND SYSTEM FOR KNOWLEDGE DISCOVERY	:	

Dear Mr. Adriaansen:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

Ballard Spahr LLP
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

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DEC 02 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

NDQ&M WATCHSTONE LLP
1300 EYE STREET, NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

In re Application of	:	
KADOKAWA, TOMONORI, et al.	:	DECISION ON REQUEST TO
Application No. 12/294,711	:	PARTICIPATE IN PATENT
Filed: September 26, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. MIY.001.0328.PC	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 26, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

2 8 NOV 2008

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of	:	
ASHBY et al.	:	
Application No.: 12/294,769	:	DECISION
PCT No.: PCT/EP2007/051481	:	
Int. Filing Date: 15 February 2007	:	
Priority Date: 20 March 2006	:	
Attorney Docket No.: 20305.4019	:	
For: BANKNOTE ACCEPTOR WITH	:	
VISUAL CHECKING	:	

This decision is in response to applicants' submission filed 26 September 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 February 2007, applicant filed international application PCT/EP2007/051481 which designated the U.S. and claimed a priority date of 20 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 September 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2008 (20 September 2008 being a Saturday).

On 26 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 26 September 2008.

As to item (2), applicant submitted the petition fee on 26 September 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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20 MAY 2010

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

In re Application of IKEDA et al	:	
U.S. Application No.: 12/294,888	:	
PCT Application No.: PCT/JP2007/054703	:	DECISION
Int. Filing Date: 09 March 2007	:	
Priority Date Claimed: 27 March 2006	:	
Attorney Docket No.: KKI08301PCTUS	:	
For: RESIDUAL GAS ANALYZER	:	

This is in response to applicant's petition filed 04 March 2010, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 09 March 2007, applicant filed international application PCT/JP2007/054703, which claimed priority of an earlier Japan application filed 27 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 04 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 29 September 2008.

On 26 September 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 November 2008, applicant filed an executed declaration.

On 23 February 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 13 November 2009 as the date of receipt of the declaration.

On 04 March 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the declaration was filed on 13 November 2008 and not 13 November 2009.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 23 February 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 March 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 November 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a corrected filing receipt.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 2 DEC 2009

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O"Melveny & Myers LLP
IP&T Calendar Department LA-13-A7
400 South Hope Street
Los Angeles CA 90071-2899

In re Application of: STEER, Thomas	:	
U.S. Application No.: 12/294,904	:	DECISION ON REQUEST
PCT No.: PCT/EP2007/053288	:	FOR WITHDRAWAL AS
Int. Filing Date: 04 April 2007	:	ATTORNEY OF RECORD
Priority Date: 05 April 2006	:	
Attorney Docket No.: 942640-24	:	
For: HEAT PIPE, HEAT PIPE REFORMER	:	
COMPRISING SUCH A HEAT PIPE, AND	:	
METHOD FOR THE OPERATION OF	:	
SUCH A HEAT PIPE REFORMER	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent And Change Of Correspondence Address" (Form PTO/SB/83) filed 12 October 2009.

The criteria for submitting a proper withdrawal of attorney are set forth in Section 402.06 of the Manual of Patent Examining Procedure (MPEP) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record, the file will be forwarded to the appropriate official for decision on the request. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36(b), Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of himself or herself and another. A withdrawal of another attorney or agent of record, without also withdrawing the attorney or agent signing the request is a revocation, not a withdrawal.
>
> The Director of the United States Patent and Trademark Office usually requires that there be at least 30 days between *approval* of the withdrawal and the latter of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Brian M. Berliner has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 23879.

There is no pending Office communication in this application for which the time period for response will expire in the next 30 days.

Because all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

With regard to the correspondence address, the Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). This includes address changes to law firms, where no new power of attorney has been filed in the application. Instead, the Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. Id.

In the present case, there is no assignee that has been made of record in accordance with 37 CFR 3.71.[1] Accordingly, the correspondence address of record will be changed to the most current address for the sole inventor, as listed on the declaration filed 21 April 2009.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating the correspondence address of record to that of the sole inventor.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 271-3296
Fax: (571) 273-0459

[1] An assignment to Bioage GMBH has been recorded herein, bu the assignee has not submitted the required statement under 37 CFR 3.73(b)

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Allan C. Entis Ph.D., Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv 69719 IL ISRAEL

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Hovav Elhayani, et al.	:	
Application No. 12/294,926	:	DECISION ON PETITION
Filed: November 19, 2009	:	TO WITHDRAW
Attorney Docket No. C010-P1057-US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 17, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Alan C. Entis on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Hovav Elhayani at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Hoav Elhayani**
12 HaPamonim
Yokneam, 20962
Israel

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/294,926	11/19/2009	Hovav Elhayani	C010-P1057-US

CONFIRMATION NO. 4111

POWER OF ATTORNEY NOTICE

OC000000042622989

85275
Allan C. Entis Ph.D., Intellectual Property Ltd.
6 Raoul Wallenberg Street
Ramat Hachayal
Tel Aviv, 69719
ISRAEL

Date Mailed: 07/16/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/17/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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FOLEY AND LARDNER LLP
Suite 500
3000 K Street NW
Washington, DC 20007

MAILED

JAN 11 2010

OFFICE OF PETITIONS

In re Application of	:	
Petrus Karsten, et al.	:	
Application No. 12/295,142	:	DECISION ON PETITION
Filed: September 29, 2008	:	TO WITHDRAW
Attorney Docket No. 016915-0338	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Rouget F. Henschel on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Petrus Karsten at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Petrus Karsten**
Prior, 14
Grootebroen, 1613-DH
NETHERLANDS

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/295,142	09/29/2008	Petrus Karsten	016915-0338

CONFIRMATION NO. 5312

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000039575028

Date Mailed: 01/11/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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27 MAR 2009

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BARNES & THORNBURG LLP
11 SOUTH MERIDIAN
INDIANAPOLIS IN 46204

In re Application of GONNELLI et al. U.S. Application No.: 12/295,173 PCT Application No.: PCT/US07/65363 Int. Filing Date: 28 March 2007 Priority Date: 30 March 2006 Atty. Docket No.: 42237-207181 For: MULTI-CARTRIDGE FLUID DELIVERY DEVICE	PETITION FOR REFUND

This is a decision on applicant's petition entitled "REQUEST FOR REFUND" filed on 14 January 2009 in the United States Patent and Trademark Office.

On 29 September 2008, applicant filed a transmittal letter to enter national stage along with the basic national fee in the amount of $310. On 14 January 2009, more than three months after paying the basic national fee, applicant filed a request for refund of $310 for national fees paid on 29 September 2008 along with a small entity statement.

A review of the finance records reveals that applicant paid the basic national fee in the amount of $310. The small entity statement, filed on 14 January 2009, is deemed to meet the requirements of 37 CFR §1.27. However, pursuant to 37 CFR §1.28(a) and (b)[1], applicant's request for a refund was filed after the three month period, required by the rule, expired. Therefore, applicant's request must be dismissed.

For the reasons above, applicant's request for refund filed 14 January 2009 in the amount of $310 is **DISMISSED**.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: 571-272-3286

---

[1] Refunds when small entity status is later established; how errors in small entity status are excused.
(a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.
(b) *Date of payment.* (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid; (2) The date when a deficiency payment is paid in full determines the amount of deficiency that is due, pursuant to paragraph (c) of this section.

UNITED STATES PATENT AND TRADEMARK OFFICE

17 DEC 2009

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Foley and Lardner, LLP
Suite 500
3000 K Street, NW
Washington, DC 20007

In re Application of	:	
TOTH, et al.	:	
Application No.: 12/295,187	:	
PCT No.: PCT/AU2007/000419	:	DECISION ON PETITION
Int. Filing Date: 30 March 2007	:	
Priority Date: 31 March 2006	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: 017227-0210	:	
For: COMPOUNDS AND METHODS FOR THE	:	
TREATMENT OF PAIN	:	

This decision is in response to applicant's "PETITION AND REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)" filed 05 October 2009 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.497(d) to add Yosuko Koda, Mark Pasqualino Del Bargo and Joanne Therese Blanchfield as inventors in the application. Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 30 March 2007, applicant filed international application PCT/AU2007/000419, which claimed a priority date of 31 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 11 October 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 September 2008.

On 29 September 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and an Application Data Sheet.

On 04 August 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 05 October 2009, applicant filed the petition discussed herein. 04 October 2009 being a Sunday, the response is timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied items (1)-(3) listed above while item (4) does not apply to the present application. As such, it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 30 March 2007 and will be given a date of **05 October 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

11 MAR 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

BRINKS HOFER GILSON & LIONE/CHICAGO/COOK
PO BOX 10395
CHICAGO IL 60610

In re Application of:		
CHUTER et al.	:	DECISION ON PETITION
U.S. Application No.: 12/295,203	:	UNDER 37 CFR 1.137(b)
Int'l Application No: PCT/US07/07577	:	
Int'l Filing Date: 29 March 2007	:	
Priority Date: 29 March 2006	:	
Atty Docket No.: 1273/00455;PA-5925 PCT/US	:	
For: ILIAC LEG EXTENSION STENT	:	
GRAFT	:	

The petition to revive under 37 CFR 1.137(b) filed 29 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3).

Applicants have now submitted the full basic national fee of $330 and the petition fee of $1620, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration after than thirty months after the priority date.

In light of the above, applicant's request for revival of international application unavoidably abandoned under 37 CFR 1.137(a) is **DISMISSED as MOOT**.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

16 OCT 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

37003
SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPT.
P.O. Box 425045
Cambridge, MA 02142

In re Application of TERTYCHNYI *et al* U.S. Application No.: 12/295,315 PCT No.: PCT/RU2007/000125 Int. Filing Date: 15 March 2007 Priority Date: 24 March 2006 Docket No.: 18.0037 US PCT For: METHOD FOR DETERMINING A STEAM DRYNESS FACTOR	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 September 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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KAMRATH & ASSOCIATES P.A.
4825 OLSON MEMORIAL HIGHWAY
SUITE 245
GOLDEN VALLEY MN 55422

In re Application of JOHNSON et al. Application No.: 12/295,383 PCT No.: PCT/US07/02919 Int. Filing: 06 February 2007 Priority Date: 07 February 2006 Attorney Docket No.:20060099.OR1 For: SQUEEGEE ASSEMBLY	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 30 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $310 has now been provided. The required petition fee of $1540 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 30 September 2008.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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Alexandria, VA 22313-1450
www.uspto.gov

K.F. Ross P.C.
5683 Riverdale Avenue
Suite 203 Box 900
Bronx, NY 10471-0900

In re Application of :
RICHTER, Wolfgang :
U.S. Application No. 12/295,402 :
PCT No.: PCT/EP07/00831 :
Int. Filing Date: 31 January 2007 :
Priority Date: 31 January 2006 : DECISION ON PETITION
Attorney Docket No.: 24291 :
For: SYSTEM AND METHOD FOR TYING CLIMB STRINGS ESPECIALLY FOR CLIMBING PLANTS :

The petition to revive under 37 CFR 1.137(b) filed 30 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

0 7 NOV 2008

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Alexandria, VA 22313-1450
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Hogan & Hartson LLP
IP Group, Columbia Square
555 Thirteenth Street, N.W.
Washington, DC 20004

In re Application of	:	
ESCUDE, et al.	:	
U.S. Application No. 12/295,442	:	
PCT No.: PCT/IB07/02885	:	
Int. Filing Date: 29 March 2007	:	
Priority Date: 29 March 2006	:	DECISION ON PETITION
Attorney Docket No.: 23087-0024-2	:	
For: PROCESSES FOR PREPARING EZETIMIBE AND INTERMEDIATE COMPOUNDS USEFUL FOR THE PREPARATION THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 30 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

13 APR 2009

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THE JANSSON FIRM
9501 N. CAPITAL OF TX HWY #202
AUSTIN TX 78759

In re Application of	:	
ASAD et al.	:	
Application No.: 12/295,489	:	DECISION
PCT No.: PCT/IB2007/000829	:	
Int. Filing Date: 30 March 2007	:	
Priority Date: 31 March 2006	:	
Attorney Docket No.: 76.1213/LJ	:	
For: METHOD AND SYSTEM OF PROVIDING	:	
SECURITY SERVICES USING A SECURE DEVICE	:	

This is a decision on applicants' submission filed 07 January 2009 in the United States Patent and Trademark Office (USPTO), which has properly been treated as a petition under 37 CFR 1.181. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 30 March 2007, applicants filed international application PCT/IB2007/000829, which designated the United States and claimed a priority date of 31 March 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 18 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 30 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia;* that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2009, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.181. The petition requests that the declaration of inventors submitted in US application 11/564,121 (the '121 application) be accepted in the instant application.

DISCUSSION

The declaration of inventors filed 07 January 2009 is not in compliance with 37 CFR 1.497(a)-(b) and is not sufficient for the instant application. The declaration executes an incorrect application. The instant application is a national stage filing under 35 U.S.C. 371 of PCT/IB2007/00829; it is this application which must be executed. It is urged that the instant application is a continuation under 35 U.S.C. 120 of US application 11/564,121 filed 28 November 2006. However, no such benefit is claimed in the international application or in the national stage of the international application. (The international application and the Application Data Sheet (ADS) for the instant application both claim priority to the '121 application but neither specify the relationship between the applications, which is required by 37 CFR 1.78.)

A new declaration in compliance with 37 CFR 1.497(a)-(b) is required. If one or more of the inventors cannot be found or refuses to sign, as in the '121 application, then a petition under 37 CFR 1.47 is required. Such a petition is in addition to the petition filed in the '121 application; a copy of the petition filed in the '121 application is not sufficient.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

9 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE JANSSON FIRM
9501 N. CAPITAL OF TX HWY #202
AUSTIN TX 78759

In re Application of	:	
ASAD et al.	:	
Application No.: 12/295,489	:	DECISION
PCT No.: PCT/IB2007/000829	:	
Int. Filing Date: 30 March 2007	:	
Priority Date: 31 March 2006	:	
Attorney Docket No.: 76.1213/LJ	:	
For: METHOD AND SYSTEM OF PROVIDING	:	
SECURITY SERVICES USING A SECURE DEVICE	:	

This is a decision on applicants' petition for reconsideration, which has properly been treated as a renewed petition under 37 CFR 1.181, filed 08 May 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 30 March 2007, applicants filed international application PCT/IB2007/000829, which designated the United States and claimed a priority date of 31 March 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 18 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2008.

On 30 September 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 07 January 2009, applicants filed a submission which was properly treated as a petition under 37 CFR 1.181. The petition requests that the declaration of inventors submitted in US application 11/564,121 (the '121 application) be accepted in the instant application.

On 13 April 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181.

On 08 May 2009, applicants filed the instant petition.

DISCUSSION

The decision mailed 13 April 2009 noted that the declaration of inventors filed 07 January 2009 was not in compliance with 37 CFR 1.497(a)-(b) and was not sufficient for the instant application because it executed an incorrect application. The decision indicated that the instant application is a national stage filing under 35 U.S.C. 371 of PCT/IB2007/00829 and it is this application which must be executed. The decision also noted that although it was urged that the instant application is a continuation under 35 U.S.C. 120 of US application 11/564,121 filed 28 November 2006, no such benefit was claimed in the international application or in the national stage of the international application. (The international application and the Application Data Sheet (ADS) for the instant application both claim priority to the '121 application but neither specify the relationship between the applications, which is required by 37 CFR 1.78.) Finally, the decision noted that a new declaration in compliance with 37 CFR 1.497(a)-(b) was required, that if one or more of the inventors could not be found or refused to sign, as in the '121 application, then a petition under 37 CFR 1.47 would be required and that such a petition is in addition to the petition filed in the '121 application; a copy of the petition filed in the '121 application is not sufficient.

The instant petition is accompanied by a preliminary amendment and urges that the preliminary amendment clearly recites the relationship between the instant application and the '121 application. This argument is not persuasive. The amendment would need to specify that the instant application is a continuation of the international application and the international application would need to be amended to specify that it is a continuation of the '121 application. However, **the instant application cannot be amended to specify that it is a continuation of the international application because the instant application was filed under 35 U.S.C. 371** rather than 35 U.S.C. 111(a). (Also, even if the instant application had been filed under 35 U.S.C. 111(a), petitions under 37 CFR 1.78(a)(3) would need to have been filed in both the instant application and the international application to enter such amendments.)

Again, **a new declaration in compliance with 37 CFR 1.497(a)-(b) is required.** If one or more of the inventors cannot be found or refuses to sign, as in the '121 application, then a petition under 37 CFR 1.47 is required. Such a petition is in addition to the petition filed in the '121 application; a copy of the petition filed in the '121 application is not sufficient.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,531	02/24/2009	David A. Jarus	1200612N US	8206

35227 7590 07/19/2010
POLYONE CORPORATION
33587 WALKER ROAD
AVON LAKE, OH 44012

EXAMINER
HARLAN, ROBERT D

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BC

July 19, 2010

In re application of David Jarus et al. Serial No. 12/295,531 Filed: February 24, 2009 For: WEATHERABLE POLYOLEFIN NANOCOMPOSITES	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 11, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

Conditions (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4). Regarding the requirement of condition (4), claims 1-14 and 16-20, while withdrawn by the applicant, remain pending in the present US application. Accordingly, not all of the claims of the present application sufficiently correspond to the claim that has novelty, inventive step, and industrial applicability in the PCT application

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,564	09/30/2008	Masao Kawamura	Q110240	8532

7590 05/10/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
05/10/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tiani Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

MAILED

JUL 06 2010

OFFICE OF PETITIONS

Applicants: Yu, et al.
Appl. No.: 12/295,572
International Filing Date: March 30, 2007
Title: NEUTROKINE-APLPHA AND NUETROKINE-ALPHA SPLICE VARIANT
Attorney Docket No: 703708
Pub. No.: US 2009/0221008 A1
Pub. Date: September 3, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 3, 2009, for the above-identified application.

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains an error wherein the national stage PCT data was not entered into the first page of the specification under "Related Applications" added in a preliminary amendment; and request that corrections be made to claims 48 and 50.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request identifies a material Office mistake with respect to claims 48 and 50 wherein the end of claim 48 should be deleted and added to the end of claim 50, these will be corrected.

With respect to the national state PCT data not being published on the first page of the specification is not a material error. The information is on the front page of the publication, thus

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

one can read and understand the application. The "failure to include a preliminary amendment is not an Office error," See MPEP 1130(b). The publication accurately reflected the specification as filed.

Since 1997, the Office has encourage applicants to file patent applications under 35 U.S.C. 111(a), especially continuation and divisional applications, without preliminary amendments by including any desired changes as part of the specification and drawings of the new application. In order to have a patent application publication of a continuation or divisional application contain only a desired set of claims, rather than the set of claims in the prior application, the Office strongly recommended that the continuation or divisional application be filed under 37 CFR 1.53(b) with a new specification containing only the desired set of claims.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.22(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirement and be accompanied by the publication fee set forth in 1.18(d) and the processing fee set forth in 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.22(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O Box 1450
Alexandria, Va. 22313-1450

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

0 8 OCT 2008

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Alexandria, VA 22313-1450
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Solvay North America, LLC
c/o Kim Manson, Esq.
4500 McGinnis Ferry Road
Alpharetta GA 30005

In re Application of	:	
WEINBERG, et al.	:	
Application No.: 12/295,627	:	
PCT No.: PCT/EP06/69242	:	DECISION ON PETITION
Int. Filing Date: 04 December 2006	:	
Priority Date: 05 December 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: SAX 2005/02	:	
For: AROMATIC SULFONE POLYMER	:	
COMPOSITION COMPRISING TETRAFLOURO	:	
ETHYLENE POLYMER PARTICLES	:	

The petition to revive under 37 CFR 1.137(b) filed 30 September 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 04 December 2006 under 35 U.S.C. 363 and will be given a date of **30 September 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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0 4 NOV 2008

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69638
KAMRATH & ASSOCIATES P.A.
4825 Olson Memorial Highway
Suite 425
Golden Valley, MN 55422

In re Application of PIZMONY, Nir U.S. Application No.: 12/295,655 PCT No.: PCT/AU2006/000112 Int. Filing Date: 31 January 2006 Priority Date: 31 January 2005 Docket No.: MGE 211 3659 For: FRAMEWORK SYSTEM	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 01 October 2008 is hereby **GRANTED** as follows:

The proper fees for a small entity have been paid. The petition fee has been charged to Deposit Account No. 50-0620 as authorized. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

18 NOV 2008

CARDINAL LAW GROUP, LLC
SUITE 2000
1603 ORRINGTON AVENUE
EVANSTON, IL 60201

In re Application of HAN	:	
U.S. Application No.: 12/295,698	:	
PCT Application No.: PCT/US2006/026267	:	
Int. Filing Date: 06 July 2006	:	
Priority Date Claimed: 06 July 2005	:	DECISION
Attorney Docket No.: 9145/3	:	
For: METHOD AND SYSTEM FOR	:	
AUTOMATICALLY ISSUING DIGITAL	:	
MERCHANT BASED ONLINE PAYMENT CARD	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 01 October 2008.

BACKGROUND

On 06 July 2006, applicant filed international application PCT/US2006/026267, which claimed priority of an earlier United States application filed 06 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 11 January 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 January 2008.

On 07 January 2008, international application PCT/US2006/026267 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 July 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 October 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

30 OCT 2009

United States Patent and Trademark Office

Commissioner for Patents
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MICHAEL N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK VA 22947

In re Application of Jenzowsky et al. Application No.: 12/295,736 PCT No.: PCT/EP2007/053121 Int. Filing Date: 30 March 2007 Priority Date: 03 April 2006 Attorney Docket No.: 2005P22942WOUS (1120-021) For: Apparatus And Method For Recording Programs And For Replaying Them With A Time Offset	:	DECISION

This is in response to the correspondence filed on 08 May 2009.

BACKGROUND

This international application was filed on 30 March 2007, claimed an earlier priority date of 03 April 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 11 October 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 03 October 2008. Applicants filed, *inter alia*, a basic national fee on 02 October 2008.

On 21 January 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 29 January 2009, applicants filed a response, including a declaration.

On 01 May 2009, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating the declaration to be defective because "STELZL, Rudolf name is missing from oath; please clarify."

DISCUSSION

Inspection of the declaration filed on 08 May 2009 reveals that it appears to have been assembled by aggregating sheets separately signed by the inventors, so as to arrive at the submitted document. Specifically, two separate copies of "Page 3" appear to have been combined into the declaration after execution. MPEP 605.04(a) explains that

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).

MPEP 201.03 amplifies:

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

In view of this policy, it would not be appropriate to accept the declaration filed on 08 May 2009 for purposes of compliance with 37 CFR 1.497(a) and (b). As indicated in the Notification of Defective Response mailed on 01 May 2009, an oath or declaration compliant with 37 CFR 1.497(a) and (b) was required to be filed no later than (1) within one month of the mailing of the Notification of Defective Response, or (2) within the period for response to the Notification of Missing Requirements mailed on 21 January 2009, as extended under 37 CFR 1.136(a), whichever expired later. Since an acceptable declaration was not timely filed, this international application is regarded as **ABANDONED** with respect to the national stage in the United States. Applicants may wish to consider filing a petition pursuant to 37 CFR 1.137(b).

The Filing Receipt and the Notice of Acceptance (Form PCT/DO/EO/903) mailed on 21 August 2009 were issued in error, and both are hereby **VACATED**.

DECISION

The declaration filed on 08 May 2009 is **NOT ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b), without prejudice.

The application stands **ABANDONED**.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

1 9 JAN 2010

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MICHAEL N. HAYNES
1341 HUNTERSFIELD CLOSE
KESWICK VA 22947

In re Application of Jenzowsky et al. Application No. 12/295,736 PCT No.: PCT/EP2007/053121 Int. Filing Date: 30 March 2007 Priority Date: 03 April 2006 Att. Docket No.: 2005P22942WOUS (1120-021) For: Apparatus And Method For Recording Programs And For Replaying Them With A Time Offset	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 05 November 2009 in the above-captioned application is hereby **GRANTED**, as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply, in the form of a declaration compliant with 37 CFR 1.497(a) and (b), has been filed. No terminal disclaimer is required.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **05 November 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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OFFICE OF PETITIONS

FRANCISSEN PATENT LAW, P.C.
65 W. JACKSON BLVD
SUITE # 138
CHICAGO IL 60604

In re Application of	:	
Steven S. Miyano et al.	:	
Application No. 12/295,809	:	DECISION ON PETITION
Filed: October 2, 2008	:	TO WITHDRAW
Attorney Docket No. HTC06-001US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 6, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Vernon W. Francissen and attorneys/agents associated with customer number 54384: (1) do not have power of attorney in this patent application; and (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future correspondence will be mailed to the address of the first signing inventor.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Steven S. Miyano
50 Dundee Lane
Barrington Hills, IL 60010-5106

UNITED STATES PATENT AND TRADEMARK OFFICE

2 9 SEP 2009

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of	:	
INBE *et al*	:	
Application No.: 12/295,821	:	
PCT No.: PCT/JP2007/058220	:	
Int. Filing Date: 09 April 2007	:	DECISION
Priority Date: 07 April 2006	:	
Atty. Docket No.: NY-DNAG 368-US	:	
For: SURFACE CONDITIONING	:	
COMPOSITION, METHOD ...	:	

This is a decision on applicants' "PETITION FOR REVIVAL...UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 21 September 2009. The petition was accompanied by, *inter alia,* the requisite petition fee and a declaration of the inventors. The petition is **GRANTED** as discussed below.

The present application became abandoned for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 18 February 2009.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

The application has an international filing date of 09 April 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **21 September 2009**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

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PROSKAUER ROSE LLP
One International Place
Boston MA 02110

MAILED

JUN 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Gary J. Gloceri et al.	:	
Application No. 12/295,863	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. **76897-071US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 3, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

The request also cannot be approved because the change of correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

1 OCT 2009

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	
HAUER et al.	:	DECISION
Application No.: 12/295,889	:	
PCT No.: PCT/EP2007/053416	:	
Int. Filing Date: 05 April 2007	:	
Priority Date: 05 April 2006	:	
Attorney's Docket No.: 13111-00097-US	:	
For: FUNCTIONAL EXPRESSION OF	:	
TRIACYLGLYCEROL LIPASES	:	

This notification is in response to applicants' petition under 37 CFR 1.182 filed 24 July 2009.

BACKGROUND

On 05 April 2007, applicants filed international application PCT/EP2007/053416 which designated the U.S. and claimed a priority date of 05 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 October 2008 (05 October 2008 being a Sunday).

On 03 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 18 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 18 February 2009, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors.

On 26 June 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

18 February 2009 was not in compliance with 37 CFR 1.497(a)-(b) because the last name of one of the inventors was different on the declaration of inventors (Monika Muller) than it was on the published international application (Monika Rusnak).

On 24 July 2009, applicants filed the instant petition under 37 CFR 1.182 which was accompanied by a statement from Monika Muller.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

Inventor Monika Muller

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Monika Muller is a statement setting forth both names (Monika Rusnak and Monika Muller) and the procedure (divorce) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors-Inventor Cecilia Kvarnstroem-Branneby

The declaration of inventors filed 24 July 2009 is not in compliance with 37 CFR 1.497(a)-(b) because it does not list the correct inventorship. There is a difference in names in the named inventor between the published international application (Cecilia Branneby) and the declaration of the inventor (Cecilia Kvarnstroem-Branneby). Because this difference in names would be more than a mere typographical error, a transliteration error, or a phonetic misspelling of applicant's legal name, a proper petition under 37 CFR 1.182 would be required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from the inventor.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response, i.e., a petition under 37 CFR 1.182 for inventor Cecilia Kvarnstroem-Branneby. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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1 2 FEB 2010

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	
HAUER et al.	:	DECISION
Application No.: 12/295,889	:	
PCT No.: PCT/EP2007/053416	:	
Int. Filing Date: 05 April 2007	:	
Priority Date: 05 April 2006	:	
Attorney's Docket No.: 13111-00097-US	:	
For: FUNCTIONAL EXPRESSION OF	:	
TRIACYLGLYCEROL LIPASES	:	

This notification is in response to applicants' petition under 37 CFR 1.182 filed 30 November 2009.

BACKGROUND

On 05 April 2007, applicants filed international application PCT/EP2007/053416 which designated the U.S. and claimed a priority date of 05 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 October 2008 (05 October 2008 being a Sunday).

On 03 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 18 November 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).

On 18 February 2009, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors.

On 26 June 2009, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 18 February 2009 was not in compliance with 37 CFR 1.497(a)-(b) because the last name of one of the inventors was different on the declaration of inventors (Monika Muller) than it was on the published international application (Monika Rusnak).

On 24 July 2009, applicants filed a petition under 37 CFR 1.182 which was accompanied by a statement from Monika Muller.

On 01 October 2009, a decision was mailed granting applicants' petition under 37 CFR 1.182 concerning the name of Monika Muller. The decision also noted that the declaration of inventors filed 18 February 2009 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names in the named inventor between the published international application (Cecilia Branneby) and the declaration of the inventor (Cecilia Kvarnstroem-Branneby) and that a proper petition under 37 CFR 1.182 accompanied by the requisite petition fee of $400 as well as a statement from the inventor would be required in order to resolve the matter.

On 30 November 2009, applicants filed the instant petition under 37 CFR 1.182 which was accompanied by a statement from Cecilia Kvarnstroem-Branneby.

DISCUSSION

The petition fee has been paid. The submission filed 30 November 2009 concerning the name of the third-named inventor explains the difference in the inventor's name as set forth in the international application (Cecilia Branneby) and the declaration of inventors filed 18 February 2009 (Cecilia Kvarnstroem-Branneby) and that the name on the declaration is the desired name. This explanation of the difference in names is accepted and noted for the record. The inventor's name has been changed in USPTO records.

Declaration of Inventors

The declaration of inventors filed 18 February 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

A new ADS indicating the correct names of inventors Monika Muller and Cecilia Kvarnstroem-Branneby is required.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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FAY SHARPE LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of	:	
SEPPALA	:	
Application No.: 12/295,897	:	DECISION ON PETITION
PCT No.: PCT/FI2007/000085	:	
Int. Filing Date: 05 April 2007	:	UNDER 37 CFR 1.182
Priority Date: 05 April 2006	:	
Attorney's Docket No.: LOYZ 2 00008	:	
For: METHOD FOR MEASURING/RECOGNIZING	:	
A SHAPE	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 07 October 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 22 September 2009, applicant was mailed a communication informing applicant that there was a discrepancy between the data entered during the electronic filing of the application and the papers submitted as to the international application number. Applicant was afforded two months to rectify the error through the filing of a petition under 37 CFR 1.182.

On 07 October 2009, applicant filed the petition under 37 CFR 1.182 discussed herein.

DISCUSSION

The materials filed 03 October 2008 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/FI2007/000085. The bibliographic data entered by applicants as part of the electronic filing also identified the application as a U.S. national stage of PCT/US2007/000085. Thus, applicants' 03 October 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/FI2007/000085 and PCT/US2007/000085.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2007/000085, the international application number set forth in the

bibliographical data provided by applicant when filing the electronic application.

Here, applicants confirm that the correct international application is PCT/FI2007/000085 and the petition further states that the correct international application number was listed on the Form PTO-1390 filed 03 October 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 03 October 2008 and to permit such materials to be treated as having been directed to international application PCT/FI2007/000085.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/FI2007/000085.

The materials filed 03 October 2008 have been assigned U.S. application number 12/295,897 and will be treated as the national stage of PCT/FI2007/000085.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,956	10/03/2008	Masayuki Takada	MAT-10221US	3183

52473 7590 01/20/2010
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

EXAMINER
RO, BENTSU

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
01/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	
Masayuki TAKADA	**: DECISION ON REQUEST TO**
Application No.: 12/295,956	**: PARTICIPATE IN THE PATENT**
Filed: 03 October 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: MAT-10221US	**: PROGRAM AND PETITION**
For: AC-INPUT TYPE BRUSHLESS DC	**: TO MAKE SPECIAL UNDER**
MOTOR AND ELECTRIC APPLIANCE	**: 37 CFR 1.102(d)**
MOUNTING THE SAME	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 18 November 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

OCT 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Grant Brian Douglas	:	
Application No. 12/295,975	:	DECISION ON PETITION
Filed: January 30, 2009	:	TO WITHDRAW
Attorney Docket No. 017503-0119	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 29, 2009.

The request is **APPROVED**.

The request was signed by Stephen A. Bent on behalf of the practitioners of record associated with Customer Number 22428.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Grant Brian Douglas at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Grant Brian Douglas
501 Glendower Street
Parkerville
6081 Western Australia

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/295,975	01/30/2009	Grant Brian Douglas	017503-0119

CONFIRMATION NO. 3378

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000038406303

Date Mailed: 10/23/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/295,975	01/30/2009	Grant Brian Douglas	017503-0119

CONFIRMATION NO. 3378

POA ACCEPTANCE LETTER

Grant Brian Douglas
501 Glendower Street
Parkerville
6081 Western,
AUSTRALIA

OC000000038406331

Date Mailed: 10/23/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/295,991		Tomoyuki Tahara	049441-0349	3467

22428 7590 01/07/2010
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ART UNIT	PAPER NUMBER
1644	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

JAN 0 7 2010

In re Application of TAHARA, TOMOYUKI Application No. 12/295,991 Filed: October 3, 2008 Attorney Docket No. 049441-0349	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 26, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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FOLEY & LARDNER LLP
3000 K STREET NW
SUITE 600
WASHINGTON DC 20007-5143

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DEC 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Glatthar et al.	:	DECISION ON PETITION
Application No. 12/296,034	:	TO WITHDRAW
Filed: October 3, 2008	:	FROM RECORD
Attorney Docket No. 093286-0163	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 15, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 3, 2009 the power of attorney to Foley and Lardner LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Fanelli Strain & Haag PLLC
1455 Pennsylvania Ave., N.W., suite 400
Washington DC 20004

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CST

NOV 17 2008

In re application of Hiroyuki Kojima Serial No. 12/296,052 Filed: October 3, 2008 For: PNEUMATIC RADIAL TIRE	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, together with the preliminary amendment both filed October 3, 2008.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

MAILED

JUN 17 2010

OFFICE OF PETITIONS

In re Application of Elmen et al. Application No. 12/296,084 Filed: September 10, 2009 Attorney Docket No. 2763.0140007/EKS/EJH/OAL	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 14, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 15, 2010 the power of attorney to Baker Botts L.L.P. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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1 1 MAR 2009

STOEL RIVES LLP - SLC
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

In re Application of JEON	:	
U.S. Application No.: 12/296,088	:	
PCT Application No.: PCT/KR2007/001421	:	
Int. Filing Date: 23 March 2007	:	
Priority Date Claimed: 24 March 2006	:	DECISION
Attorney Docket No.: 38627/6	:	
For: METHOD AND SYSTEM FOR PROVIDING	:	
RING BACK TONE PLAYED AT A POINT	:	
SELECTED BY USER	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 October 2008.

BACKGROUND

On 23 March 2007, applicant filed international application PCT/KR2007/001421, which claimed priority of an earlier Korea application filed 24 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 04 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 24 September 2008.

On 25 September 2008, international application PCT/KR2007/001421 became abandoned as to the United States for failure to timely pay the basic national fee.

On 03 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 23 March 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 October 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,098	10/03/2008	Hee Suk Pang	24622-0010US1	4519

26181 7590 10/22/2009
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
10/22/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
PANG, HEE SUK, et al.	:	DECISION ON REQUEST TO
Application No. 12/296,098	:	PARTICIPATE IN PATENT
Filed: October 3, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No.: **24622-0010US1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

0.2e

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05 NOV 2008

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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

In re Application of: MOON, U-Seock, et al.	:	
U.S. Application No.: 12/296,134	:	DECISION ON PETITION
PCT No.: PCT/KR2007/000673	:	
International Filing Date: 07 February 2007	:	
Priority Date: 07 February 2006	:	
Atty Docket No.: CU-7046 WWP	:	
For: APPARATUS AND METHOD FOR	:	
DETECTING DEFECTS IN WAFER	:	
USING LINE SENSOR CAMERA	:	

The petition for revival under 37 CFR 1.137(b) filed 06 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 07 August 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

Applicant's 06 October 2008 submission included an executed declaration in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 06 October 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

0 7 OCT 2008

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
SUITE 3300
MILWAUKEE WI 53202

In re Application of: SELLARS, et al.	:	
U.S. Application No.: 12/296,144	:	DECISION ON PETITION
PCT No.: PCT/US2007/003410	:	
International Filing Date: 08 February 2007	:	
Priority Date: 08 February 2006	:	
Atty Docket No.: 048531-9012-US01	:	
For: SYSTEMS FOR PERFORMING TRANSACTIONS AT A POINT-OF-SALE TERMINAL USING MUTATING IDENTIFIERS	:	

The petition for revival under 37 CFR 1.137(b) filed 06 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/003410 became abandoned with respect to the United States at midnight on 08 August 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not submitted an oath declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

0 3 DEC 2008

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of	:	
Sellars et al.	:	
Application No. 12/296,146	:	
PCT No.: PCT/US2007/003440	:	
Int. Filing Date: 08 February 2007	:	DECISION
Priority Date: 08 February 2006	:	
Att. Docket No.: 048531-9013-US01	:	
For: Secure Digital Content Management	:	
Using Mutating Identifiers	:	

The petition to revive under 37 CFR 1.137(b) filed on 06 October 2008 in the above-captioned application is hereby **GRANTED** as follows: .

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

PTO/SB/130 (09-08)
Approved for use through 10/31/2008. OMB 0651- 0031
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12296202	Confirmation Number	5348	Filing Date	2008-10-06
Attorney Docket Number (optional)	Thermo-Gas-USNP	Art Unit		Examiner	
First Named Inventor	Dennis E.J. Johnson				
Title of Invention	Methods and Apparatus for Solid Carbonaceous Materials Synthesis Gas Generation				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Dennis	E.J.	Johnson	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Misha Gregory Macaw/	Date (YYYY-MM-DD)	2008-10-13
Name	Misha Gregory Macaw	Registration Number	55417

PTO/SB/130 (09-08)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Dennis E.J. Johnson

Application No. 12296202

Filed:

Attorney Docket No. ThermoGas-USNP

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-OCT-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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2 9 SEP 2009

Brenda Herschbach Jarrell
CHOATE, HALL & STEWART/HARVARD UNIVERSITY
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of:	:	
MYERS G. Andrew et al.	:	DECISION
US application No.:12/296,223	:	
PCT Application No.: PCT/US2007/008647	:	
Int. Filing Date: 06 April 2007	:	
Priority Date: 07 April 2006	:	
Atty Docket No.: 0342941-0332 (HU 2256)	:	
For: SYNTHESIS OF TETRACYCLINES AND	:	
ANALOGUES THEREOF	:	
	:	

This is in response to "Request for Withdrawal as Attorney or Agent and Change of Correspondence Address" filed 09 June 2009 which is being treated as a Petition to Withdraw from Representation under 37 CFR 1.36. No petition fee is required.

DISCUSSION

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record . . . appropriate procedure will be followed pertaining to the withdrawal. The withdrawal is effective when approved rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney or agent, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each

attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been met, Petition to Withdraw from Representation under 37 CFR 1.36 is **GRANTED** and is effective as of the mail date of this decision.

All communications will be forwarded to:

Andrew G. Myers
41 Braddock Park #2
Boston, MA 02116

CONCLUSION

In view of the above discussion, counsel's Request for Withdrawal is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

10 OCT 2008

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Alexandria, VA 22313-1450
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of: GIMSA, Jan, et al.
U.S. Application No.: 12/296,224
PCT No.: PCT/EP2007/001641
International Filing Date: 26 February 2007
Priority Date: 24 February 2006
Atty Docket No.:
For: ELECTROHYDRODYNAMIC MICROPUMP AND ITS USE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 06 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2007/001641 became abandoned with respect to the United States at midnight on 24 August 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not submitted an executed oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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MAILED

JUL 22 2010

OFFICE OF PETITIONS

HUSCH BLACKWELL SANDERS, LLP
1620 DODGE STREET
SUITE 2100
OMAHA, NE 68102

In re Application of Jody Redepenning Application No. 12/296,264 Filed: February 1, 2010 Attorney Docket No. 503448.57	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed June 18, 2010.

The request is **APPROVED**.

The request was signed by Sean Connolly on behalf of himself and the attorneys/agents associated with Customer Number 61270. Therefore, Sean Connolly and all the attorneys/agents associated with Customer Number 61270 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

This application file is being referred to Technology Center Art Unit 3738 for examination in due course.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Jody Redepenning
920 Manchester Drive
Lincoln, Nebraska 68528

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/296,264	02/01/2010	Jody Redepenning	503448.57

CONFIRMATION NO. 5944

POWER OF ATTORNEY NOTICE

61270
HUSCH BLACKWELL SANDERS LLP
1620 DODGE STREET
SUITE 2100
OMAHA, NE 68102

OC000000042688171

Date Mailed: 07/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
12/296272	10/06/08	Sang Gon Baek	ABN2088-159

DATE MAILED: February17, 2010

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the request was filed after the 2 month time period. A grantable petition under 37 CFR 1.183 must be filed to waive the 2 month time period.

Any inquiries concerning this decision should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

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27 OCT 2008

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of GARCIA	:	
Application No.: 12/296,303	:	
PCT No.: PCT/IB07/00881	:	DECISION ON
Int. Filing: 04 April 2007	:	
Priority Date: 05 April 2006	:	PETITION TO REVIVE
Attorney Docket No.:08094	:	
For: ANTIFREEZE COMPOSITION	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 October 008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

18 NOV 2009

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BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE
GERMANY

In re Application of	:	DECISION
SHIRLEY, Amber, et al.	:	
Application No.: 12/296,460	:	ON PETITION UNDER
PCT No.: PCT/EP2007/053219	:	
Int. Filing Date: 03 April 2007	:	37 CFR 1.47(a) and
Priority Date: 13 April 2006	:	
Docket No.: PF57861-02	:	REQUEST UNDER
For: STRESS-RELATED POLYPEPTIDES	:	
AND METHODS OF USE IN PLANTS	:	37 CFR 1.497(d)

This is a decision on applicants' Petitions Under 37 CFR 1.47(a) and 37 CFR 1.48(a), filed in the United States Patent and Trademark Office (USPTO) on 02 September 2009. The petition under 37 CFR 1.48(a) has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 08 October 2008, applicants filed a transmittal letter to the United States Designated/Elected Office, accompanied by, *inter alia*, the basic national fee and a declaration listing and executed by two inventors.

On 13 March 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required and that the current declaration did not list and was not executed by four of the inventors.

On 02 September 2009, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors and the request under 37 CFR 1.497(d).

DISCUSSION

Request Under 37 CFR 1.497(d)

Applicants filed this request to remove Bryan McKersie, Nocha van Thielen and Lori Mills as inventors.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the

processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1), (2) and (3) have been satisfied.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The $200 petition fee will be charged to deposit account no. 02-1197, as authorized. Applicants state the last known mailing address of Ms. Ruoying Chen as 3239 Satellite Blvd, Duluth, GA 30096.

Item (2) has not been satisfied. Applicant does not allege that the inventor was presented with a complete copy of the application papers, including the declaration and subsequently refused to sign the oath or declaration. Applicant alleges only that the declaration was forwarded.

Item (4) has not been satisfied. The declaration supplied on 08 October 2008 does not comply with 37 CFR 1.497(a) as it fails to list inventor Chen. The declaration included with this petition is the 08 October 2008 declaration with modifications to list inventor Chen. It is improper for anyone including counsel to modify, alter or partially fill in any portion of the application, including the declaration after execution by the inventors. MPEP 605.04(a). A *new* oath or declaration in compliance with 37 CFR 1.497(a)-(b) and 1.47(a) is required.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) to remove the three inventors is **GRANTED**, but the petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 1 MAR 2010

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BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE
GERMANY

In re Application of SHIRLEY, Amber, et al. Application No.: 12/296,460 PCT No.: PCT/EP2007/053219 Int. Filing Date: 03 April 2007 Priority Date: 13 April 2006 Docket No.: PF57861-02 For: STRESS-RELATED POLYPEPTIDES AND METHODS OF USE IN PLANTS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 15 January 2010.

BACKGROUND

On 18 November 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(a) and Request Under 37 CFR 1.497(d), granting applicant's request under 37 CFR 1.497(d), but dismissing applicant's petition under 37 CFR 1.47(a).

On 15 January 2010, applicants filed this renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (3) have been met. The $200 petition fee will be charged to deposit account no. 02-1197, as authorized. Applicants state the last known mailing address of Ms. Ruoying Chen as 3239 Satellite Blvd, Duluth, GA 30096.

Item (2) has been satisfied. The inventor was sent a complete copy of the application papers and the declaration. After the passage of sufficient time for response, the inventor has not returned a signed declaration.

Item (4) has now been satisfied.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **15 January 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

- 1 MAR 2010

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Ruoying Chen
3239 Satellite Blvd
Duluth, GA 30096

In re Application of
SHIRLEY, Amber, et al.
Application No.: 12/296,460
PCT No.: PCT/EP2007/053219
Int. Filing Date: 03 April 2007
Priority Date: 13 April 2006
Docket No.: PF57861-02
For: STRESS-RELATED POLYPEPTIDES AND METHODS OF USE IN PLANTS

Dear Ms. Chen:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

BASF CORPORATION
CARL-BOSCH-STRASSE 38
LUDWIGSHAFEN D6705-6 DE GERMANY

1 0 DEC 2008

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

In re Application of SIGNORI	:	
U.S. Application No.: 12/296,508	:	
PCT Application No.: PCT/EP2006/010799	:	
Int. Filing Date: 10 November 2006	:	DECISION
Priority Date Claimed: 03 April 2006	:	
Attorney Docket No.: CAP2-PT005	:	
For: A SPORTS SHOE PARTICULARLY FOR CYCLING	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 08 October 2008.

BACKGROUND

On 10 November 2006, applicant filed international application PCT/EP2006/010799, which claimed priority of an earlier Italy application filed 03 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 11 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 03 October 2008.

On 04 October 2008, international application PCT/EP2006/010799 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 10 November 2006, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 November 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,596	10/09/2008	Takahiro NAKAMINAMI	061352-0198	9780

53080 7590 03/30/2009
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
03/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of
Takahiro NAKAMINAMI
Application No.: 12/296,596
Filed: 10/09/2008
Attorney Docket No.: 061352-0198

For: BODY FLUID SAMPLING DEVICE AND BODY FLUID MEASURING DEVICE USING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 8 December 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

14 NOV 2008

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Alexandria, VA 22313-1450
www.uspto.gov

EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON TX 77002

In re Application of NICASTRI Application No.: 12/296,653 PCT No.: PCT/IB07/00789 Int. Filing: 20 March 2007 Priority Date: 27 March 2006 Attorney Docket No.:1722-291 For: FRAMES AND CANVASSES WITH A DOUBLE HOOKING AND FASTENING SYSTEM, TO BE WORN....	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 09 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

09 MAR 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06824

In re Application of	:	
CAVALIERE et al.	:	
Application No.: 12/296,689	:	DECISION
PCT No.: PCT/EP2007/052621	:	
Int. Filing Date: 20 March 2007	:	
Priority Date: 20 March 2006	:	
Attorney Docket No.: 1117-013624-US (PAR)	:	
For: METHOD FOR PRODUCING STRUCTURES	:	
OF COMPLEX SHAPES OF COMPOSITE MATERIALS	:	

This decision is in response to applicants' submission filed 10 October 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 March 2007, applicant filed international application PCT/EP2007/052621 which designated the U.S. and claimed a priority date of 20 March 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 September 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 22 September 2008 (20 September 2008 being a Saturday).

On 10 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 10 October 2008.

As to item (2), applicant submitted the petition fee on 10 October 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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MAILED

JAN 11 2010

OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
Suite 500
3000 K Street NW
Washington, DC 20007

In re Application of	:	
Matthias Pfeiffer, et al.	:	
Application No. 12/296,706	:	DECISION ON PETITION
Filed: March 5, 2009	:	TO WITHDRAW
Attorney Docket No. 016915-00340	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 3, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Rouget F. Henschel on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Matthias Pfeiffer at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Matthias Pfeiffer**
Kurt-Schumacher-Str. 13
Boehl-Iggelheim, 67459
Germany

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/296,706	03/05/2009	Matthias Pfeiffer	016915-0340

CONFIRMATION NO. 1937

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000039580486

Date Mailed: 01/11/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/03/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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14 AUG 2009

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Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614

In re Application of	:	
LEVY, Laurent	:	
Application No.: 12/296,732	:	DECISION ON REQUEST
PCT No.: PCT/EP2007/053761	:	
Int. Filing Date: 18 April 2007	:	
Priority Date: 19 April 2006	:	
Attorney Docket No.: BKR.129	:	
For: MAGNETIC NANOPARTICLES COMPOSITIONS AND USES THEREOF		

This decision is issued in response to the "Petition under 37 CFR 1.48(a)" filed 18 May 2009, which is treated herein as a petition under 37 CFR 1.1497(d) to correct the inventorship of the present national stage application. The $130 petition fee has been provided.

BACKGROUND

On 10 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and an application data sheet.

On 18 May 2009, applicants filed a request under 37 CFR 1.497(d) which included a declaration executed by: Laurent Levy, Matthieu Germain and Corinne Devaux.

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicants' request will be treated under 37 CFR 1.497(d). Applicants request to add Matthieu Germain and Corinne Devaux as inventors to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the

error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17; and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants have satisfied items (1), (2) and (3). However, in order to satisfy item (4), applicant is required to submit a written consent of assignee, Nanobiotix, to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

The inventor of record remains the inventor named on the international application.

CONCLUSION

Applicants' request to add Matthieu Germain and Corinne Devaux under 37 CFR 1.497(d) is DISMISSED without prejudice.

Applicants must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b) or written confirmation that no assignee exists. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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30 SEP 2009

Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614

In re Application of: LEVY, Laurent
Application No.: 12/296,732
PCT No.: PCT/EP2007/053761
Int. Filing Date: 18 April 2007
Priority Date: 19 April 2006
Attorney Docket No.: BKR.129
For: MAGNETIC NANOPARTICLES COMPOSITIONS AND USES THEREOF

DECISION ON REQUEST

In a decision mailed by this Office on 14 August 2009, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 28 September 2009, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's 18 May 2009 and 28 September 2009 submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventors. The processing fee set in forth in 37 CFR §1.17 has been submitted. Further, the submission included the consent of the assignee to the requested correction of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Matthieu Germain and Corinne Devaux as inventors are appropriately granted. Based on this correction, the declaration filed on 18 May 2009 (which named Laurent Levy, Matthieu Germain, and Corinne Devaux) is acceptable under 37 CFR 1.497.

Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 18 May 2009.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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3 1 OCT 2008

Fleit Gibbons Gutman Bongini & Bianco PL
21355 East Dixie Highway
Suite 115
Miami, FL 33180

In re Application of
STONE, Kate Jessie
Application No.: 12/296,772
PCT No.: PCT/GB07/01337
Int. Filing Date: 11 April 2007
Priority Date: 11 April 2006
Attorney Docket No.: 7790-X08-037
For: A METHOD MAKING AN ELECTRICAL DEVICE

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition under 37 CFR 1.182 to Effect Inventor Name Change" dated 10 October 2008. Applicant is requesting to change the name of the sole inventor from Nicholas Stone to Kate Jessie Stone.

BACKGROUND

On 10 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; an English translation of the international application; an executed declaration; and a petition under 37 CFR 1.182.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant is requesting to change the name of the sole inventor from Nicholas Stone to Kate Jessie Stone. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the sole inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a copy of the court order."

Here, applicant's submission included an authorization to charge counsel's credit card the required fees, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicant has submitted a Statutory Declaration regarding the name change. Hence, the court order supplied satisfies the requirements for a grantable petition. Therefore, item (2) has been satisfied.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Nicholas Stone to Kate Jessie Stone is GRANTED.

Based on the above, the declaration filed 10 October 2008 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

0 8 DEC 2008

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Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of STONE Application No.: 12/296,803 PCT No.: PCT/GB07/01341 Int. Filing Date: 11 April 2007 Priority Date: 11 April 2006 Attorney Docket No.: 7790-X08-038 For: CONDUCTIVE POLYMER ELECTRODES	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicants' "PETITION UNDER 37 CFR 1.182" to change the name of inventor filed in the United States Patent and Trademark Office (USPTO) on 10 October 2008.

Applicants request that the application reflect joint inventor Nicholas Jim Stone's name change to Kate Jessie Stone. The $400 petition fee has been paid.

Applicant submitted the petition under 37 CFR 1.182 along with the declaration of Nicholas Jim Stone. Applicant provided a copy of a statutory declaration which states that Nicholas Jim Stone changed her name to Kate Jessie Stone, which is sufficient evidence to change the inventor's name.

For the above reasons, the declaration submitted on 10 October 2008 now meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The petition under 37 CFR 1.182 to change the inventor's name to Kate Jessie Stone is **GRANTED**.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286

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United States Patent and Trademark Office
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MAILED

JUN 07 2010

OFFICE OF PETITIONS

Sunstein Kann Murphy & Timbers LLP
125 SUMMER STREET
BOSTON MA 02110-1618

In re Application of
YOUNG, LAURENCE et al.
Application No. 12/296,843
Filed: March 16, 2009
Attorney Docket No. 1118/A10

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by one named inventor in the application that he is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Miranda Le at (571) 272-4112 or in her absence, the undersigned at (571) 272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3765 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,893	10/10/2008	Kiyotaka Nakashima	0210-0198PUS1	2273

2292 7590 07/27/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
IP, SIKYIN

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
07/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 26, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Kiyotaka Nakashima et al.	:	PARTICIPATE IN PATENT
Serial No. 12/296,893	:	PROSECUTION HIGHWAY
Filed: October 10, 2008	:	PROGRAM AND
For: HIGH STRENGTH THICK STEEL PLATE	:	PETITION TO MAKE SPECIAL
SUPERIOR IN CRACK ARRESTABILITY	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed July 15, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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14 OCT 2009

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www.uspto.gov

HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN, NJ 07041

In re Application of:	:	
CLOZEL, Martine, et al.	:	DECISION
U.S. Application No.: 12/296,895	:	
PCT No.: PCT/IB2007/051328	:	
International Filing Date: 12 April 2007	:	
Priority Date: 13 April 2006	:	
Atty Docket No.: AC-33-US	:	
For: ENDOTHELIN RECEPTOR	:	
ANTAGONISTS FOR EARLY	:	
STAGE IDIOPATHIC	:	
PULMONARY FIBROSIS	:	

This decision is issued in response to the "Request For Filing Receipt, Notice Of Acceptance, And Correction Of Correspondence Address" filed 30 September 2009, treated herein as a petition under 37 CFR 1.181 to correct USPTO records and to issue a corrected Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. No petition fee is required.

BACKGROUND

The present national stage application was initiated by above-named counsel on 10 October 2008. Among the materials filed on 10 October 2008 was an executed declaration that included a Power of Attorney appointing above-name counsel (i.e., the attorneys associated with Customer Number 50446) to prosecute the application.

On 29 November 2008, a "Power of Attorney Or Revocation Of Power Of Attorney With A New Power Of Attorney And Change Of Correspondence Address" (Form PTO/SB/81) was entered into the present application file. The Form PTO/SB/81 requested that the attorneys associated with Customer Number 27326 be appointed; however, the Form PTO/SB/81 was directed to application number 12/196,895 (not 12/296,895), referred to a title, docket number, and inventor unrelated to the present application, and was executed by a person unconnected to the present application.

Pursuant to the Form PTO/SB/81 filed 29 November 2008, the attorneys and correspondence address of record herein were changed to those associated with Customer Number 27326.

On 16 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt, both of which were directed to the attorneys associated with Customer Number 27326, not to above-named counsel.

On 30 September 2009, applicant filed the "Request For Filing Receipt, Notice Of Acceptance, And Correction Of Correspondence Address" considered herein as a petition under 37 CFR 1.181.

DISCUSSION

The present national stage application was filed with a Power of Attorney from the applicants appointing above-named counsel, the attorneys associated with Customer Number 50446, to prosecute the present application.

The Form PTO/SB/81 filed 29 November 2008, pursuant to which the attorneys and correspondence address of record herein were changed to that associated with Customer Number 27326, was not executed by the applicants or the assignee of record for the present application and therefore is not effective to change the attorney or correspondence address of record herein. Accordingly, the correct attorneys and correspondence address of record for the present application remain those associated with Customer Number 50446. As requested by applicants, USPTO records will be corrected to return the attorneys and correspondence address of record to those associated with Customer Number 50446.

In addition, the Notification Of Acceptance and filing receipt mailed 16 September 2009, both of which were improperly directed to the attorneys associated with Customer Number 27326, are appropriately vacated. As requested by applicants, corrected versions of the Notification Of Acceptance and filing receipt will be issued which are properly directed to the attorneys associated with Customer Number 50446.

Finally, in that the Form PTO/SB/81 filed 29 November 2008 is directed to a different U.S. application, such Form will be removed from the present application file.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

USPTO records will be corrected to return the attorneys and correspondence address of record to those associated with Customer Number 50446. In addition, the Form PTO/SB/81 entered into the application file on 29 November 2008, which was directed to a different U.S. application, will be removed from the present application file.

The Notification Of Acceptance and filing receipt mailed 16 September 2009, both of which were directed to an incorrect address, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt properly directed to the above-named counsel of record.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

COPY MAILED

JUL 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Eric Konofal	:	
Application No. 12/296,900	:	DECISION ON PETITION
Filed: October 10, 2008	:	TO WITHDRAW
Attorney Docket No. 135702.00101(353537)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed January 7, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22428 has been revoked by the assignee of the patent application on April 13, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272- 4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,960	10/13/2008	Chris Rundfeldt	11563-002	3059

29847 7590 07/29/2009
Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
07/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

Applicant: Rundfeldt et al.
Appl. No.: 12/296,960
Filing Date: October 13, 2008
Title: POTASSIUM CHANNEL ACTIVATORS FOR THE PREVENTION AND TREATMENT OF DYSTONIA AND DYSTONIA-LIKE SYMPTOMS
Attorney Docket No.: 11563-002
Pub. No.: US 2009/0137641 A1
Pub. Date: May 28, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 28, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission. In addition, the Applicant did not provide a copy of the application, and did not pay the publication fee set forth in § 1.18(d). The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance

with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/296,960	10/13/2008	Chris Rundfeldt	11563-002	3059

29847 7590 08/07/2009
Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
08/07/2009	PAPER

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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

Applicant: Rundfeldt et al.
Appl. No.: 12/296,960
Filing Date: October 13, 2008
Title: POTASSIUM CHANNEL ACTIVATORS FOR THE PREVENTION AND TREATMENT OF DYSTONIA AND DYSTONIA-LIKE SYMPTOMS
Attorney Docket No.: 11563-002
Pub. No.: US 2009/0137641 A1
Pub. Date: May 28, 2009

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on August 6, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

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United States Patent & Trademark Office

Adjustment date: 08/07/2009 KKING1
08/06/2009 INTEFSW 00010528 12296960
01 FC:1504 -300.00 OP

Refund Ref:
08/07/2009 0030073122

Credit Card Refund Total: $300.00

VISA....: XXXXXXXXXXXX7131

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

In re Application of	DECISION ON
LEBEDEV et al	
Application No.: 12/297,171	
PCT No.: PCT/RU2007/000027	
Int. Filing Date: 24 January 2007	PETITION UNDER
Priority Date: 23 March 2006	
Attorney's Docket No.: GMUS-1002US	
For: TRANSCRANIAL ELECTROSTIMLUATION	
DEVICE	37 CFR 1.137(b)

This decision is in response to applicants' "PETITION FOR REVIVAL FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 14 October 2008.

BACKGROUND

On 24 January 2007, this international application was filed, claiming an earliest priority date of 23 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 23 September 2008. This international application became abandoned with respect to the United States at midnight on 23 September 2008 for failure to pay the required basic national fee.

On 14 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, an executed declaration and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **14 October 2008**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVE
NEW YORK NY 10103-3198

In re Application of OH Serial No.: 12/297,223 PCT App. No.: PCT/KR07/01695 Int'l Filing Date: 06 April 2007 Priority Date: 03 May 2006 Attorney Docket No.: TEVHCIL-256-US For: FIELD COIL ASSEMBLY OF ELECTRO-MAGNETIC CLUTCH FOR A COMPRESSOR	DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision on applicant's Petition to Withdraw Holding of Abandonment" treated under 37 CFR 1.181(a), filed in the US Patent and Trademark Office on 15 September 2009. No petition fee is required.

BACKGROUND

On 15 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee and an executed declaration.

On 28 November 2008, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration, in compliance with 37 CFR 497(a) and (b) and executed by the inventor, was required. The notification set a TWO (2) MONTH period for response.

On 10 September 2009, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 28 November 2008.

On 15 September 2009, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely filed a declaration and had not received the Notification of Missing Requirements.

DISCUSSION

A review of the application file reveals that applicant did file a declaration on 15 October 2008 along with the request for U.S. National stage entry. The declaration was in compliance with 37 CFR 1.497(a) and (b). Therefore, the 905 was erroneously issued and is hereby VACATED. For these reasons, the 10 September 2009 Notification of Abandonment is hereby VACATED.

A review of the declaration, filed on 15 October 2008 reveals that the declaration identifies the inventors, and states their citizenship, residency and mailing address. Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b) are met.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The declaration submitted on 15 October 2008 is acceptable and meets the requirements of 37 CFR 1.497(a) & (b).

The 28 November 2008 Notification of Missing Requirements and 10 September 2009 Notification of Abandonment are hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) & (c)(4) date is 15 October 2008.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/297,293		Christiaan Theodorus Wilhelmus LAHAIJE	8674.062.US0000	6827

77213 7590 01/26/2009
Novak Druce + Quigg, LLP
1300 Eye Street, NW, Suite 1000
Suite 1000, West Tower
Washington, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
01/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Mailed: 1/29/09

In re application of	:	
Lahaije	:	DECISION ON
Serial No. 12/297,293	:	PETITION
Filed: 10/15/2008	:	
For: CLAD SHEET PRODUCT	:	

This is a decision on a PETITION filed November 4, 2008, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center for consideration.

DECISION

Petitioner requests that the IDS for application 12/297,302 were misfiled in application 12/297,293 and should be removed.

The petition is **GRANTED.**

The images will be removed from the Official file.

Jacqueline M. Stone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Anthony P. Venturino
Novak Druce + Quigg, LLP
1300 Eye Street, NW, Suite 1000
Suite 1000, West Tower
Washington DC 20005

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51921
Mark D. Saralino (PAN)
RENNER, OTTO, BOISELLE & SKYLAR, LLP
1621 Euclid Ave.
19th Floor
Cleveland, OH 44115

In re Application of WATANABE *et al* Application No.: 12/297,335 PCT No.: PCT/JP2006/308138 Int. Filing Date: 18 April 2006 Priority Date: None Attorney Docket No.: OKUDP0338US For: ULTRASONOGRAPH	: : : : : : : :	**DECISION**

This is a decision on the petition under 37 CFR 1.47(a) filed on 23 January 2009.

BACKGROUND

On 16 October 2008, applicants filed papers to enter the national stage of PCT/JP2006/308138.

On 23 January 2009, applicants filed the subject petition which was accompanied by, *inter alia*, an executed declaration; the petition fee; the surcharge fee; a declaration by Dr. Miyaji; a declaration by Mr. Kajitani and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that co-inventor, Yoshinao Tan-naka cannot be located and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor. All items are complete.

Concerning item (1), the petition fee has been paid.

Regarding item (2), applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor 'after diligent effort' is the reason for filing under 37 CFR 1.47, an affidavit or declaration of the facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions . . .

In this case, petitioners have submitted declarations by Dr. Toshiaki Miyaji and Mr. Yoshimichi Kajitani along with supporting documents, describing efforts made to locate the nonsigning inventor, including several online searches. This evidence is sufficient to show that a diligent effort was made to locate the nonsigning inventor to no avail and meets the requirements of the MPEP. Item (2) of 37 CFR 1.47(a) is satisfied.

With regards to item (3), the last known address of the nonsigning inventor is listed as:

393-15 Kakuda
Aikawa-cho
Aikoh-gun
Kanagawa
Japan 228-0001

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by two of the three named inventors on behalf of themselves and the nonsigning joint inventor. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 18 April 2006 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 23 January 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

17 MAR 2009

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Yoshinao Tan-naka
Aikawa-cho
Aikoh-gun
Kanagawa
Japan 228-0001

In re Application of
WATANABE *et al*
Application No.: 12/297,335
PCT No.: PCT/JP2006/308138
Int. Filing Date: 18 April 2006
Priority Date: None
Attorney Docket No.: OKUDP0338US
For: ULTRASONOGRAPH

Dear Mr. Tan-naka:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

RENNER, OTTO, BOISELLE & SKYLAR, LLP
1621 Euclid Ave.
19th Floor
Cleveland, OH 44115

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IP & INTERNET LAW NORTH, LLC
P.O. BOX 38
ZELIENOPLE PA 16063

In re Application of:	:	
RHOADES, Lawrence, J. et al.	:	DECISION REGARDING
U.S. Application No.: 12/297,344	:	SUBMISSION UNDER
PCT No.: PCT/US2006/015483	:	37 CFR 1.42
International Filing Date: 24 April 2006	:	
Priority Date: None Claimed	:	
Attorney's Docket No.: EX-0022	:	
For: ULTRASONIC MACHINING	:	
FABRICATION OF GUIDED	:	
TISSUE GENERATION	:	
SURFACES AND TISSUE	:	
SCAFFOLDS	:	

This decision is issued in response to applicants' submission on 01 December 2008 of a declaration executed on behalf of deceased inventor Lawrence J. RHOADES by the deceased inventor's legal representative, John Y.P. Rhoades, considered herein under 37 CFR 1.42 and 1.497.

BACKGROUND

On 24 April 2006, applicants filed international application PCT/US2006/015483. The international application did not claim an earlier priority date, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 24 October 2008.

On 16 October 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 01 December 2008, applicants filed the declaration considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 01 December 2008 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, John Y.P. RHOADES, and it identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Lawrence J. RHOADES is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 December 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

1 0 DEC 2008

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Foley & Lardner LLP
P.O. Box 80278
San Diego, CA 92138-0278

In re Application of
ALBITAR, Maher
Application No.: 12/297,389
PCT No.: PCT/US06/32388
Int. Filing Date: 17 August 2006
Priority Date: 17 August 2005
Attorney Docket No.: 034827-9904
For: HEMATOPOIETIC PHENOTYPING USING CIRCULATING CELL-FREE MARKERS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
MONOBE, YUSUKE, et al.	:	DECISION ON REQUEST TO
Application No. 12/297,403	:	PARTICIPATE IN PATENT
Filed: October 16, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. **2008_1840A**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

Mail Date: 04/21/2010

Applicant	: Akihiko Kanamori	: DECISION ON REQUEST FOR
Patent Number	: 7626395	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/297,411	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian Michael STRAUSS	:	
Application No. 12/297,419	:	DECISION ON PETITION
Filed: October 16, 2008	:	TO WITHDRAW
Attorney Docket No. 355492-7502	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed April 29, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Lorna L. Tanner does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

Mail Date: 04/20/2010

Applicant	: Satoshi Okanda	: DECISION ON REQUEST FOR
Patent Number	: 7640642	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/297,440	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/16/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

14 DEC 2009

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MOTOROLA INC
600 NORTH US HIGHWAY 45
W4 - 39Q
LIBERTYVILLE IL 60048-5343

In re Application of	:	
DUBREUILLE et al.	:	DECISION
Application No.: 12/297,519	:	
PCT No.: PCT/US2007/063934	:	
Int. Filing Date: 14 March 2007	:	
Priority Date: 19 April 2006	:	
Attorney's Docket No.: CS28523P	:	
For: MULTI-SLOT PACKET DATA TRANSFER	:	
METHOD	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 12 February 2009. The request has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 14 March 2007, applicants filed international application PCT/US2007/063934 which claimed a priority date of 19 April 2006 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 October 2008 (19 October 2008 being a Sunday).

On 17 October 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and two declarations of inventors (one signed by two inventors and another signed by one inventor).

On 12 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declarations of inventors filed 17 October 2008 were not in compliance with 37 CFR 1.497(a)-(b) because the declarations list "each inventor on a separate page" and requiring a new declaration of inventors.

On 12 February 2009, applicants filed the instant submission, which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 in essence requests that the portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 December 2008 requiring a new declaration in compliance with 37 CFR 1.497(a)-(b) be vacated because it was in error.

As noted by applicants, 37 CFR 1.497(a)-(b) does not preclude listing each inventor on a separate page. Thus, that portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 December 2008 requiring a new declaration of inventors was in error and is hereby VACATED.

The declarations of inventors filed 17 October 2008 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The portion of the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 December 2008 requiring a new declaration of inventors is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
RUDENKO, et al.	:	
Application No.: 12/297,537	:	DECISION ON PETITION
PCT No.: PCT/AU2007/000501	:	
Int. Filing Date: 18 April 2007	:	UNDER 37 CFR 1.181
Priority Date: 19 April 2006	:	
Atty docket no.: 2765.0010000/MAC	:	
For: INFLUENZA VIRUS VACCINE	:	

This is a decision on applicant's "Petition under 37 C.F.R. § 1.181" filed 23 December 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 17 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a first preliminary amendment and an Application Data Sheet.

On 16 December 2008, applicant filed a letter asserting small entity status.

On 09 January 2009, applicant filed an executed declaration.

On 15 January 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 17 October 2008.

On 23 December 2009, applicant filed the present petition claiming that the 371 requirements were satisfied on 09 January 2009.

DISCUSSION

A review of the application file finds that applicant's declaration of the inventors was filed on 09 January 2009. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 18 April 2007 under 35 U.S.C. 363 and a date of **09 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 15 January 2009 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating small entity status and the correct 371 date as detailed above.

Derek A. Putonen
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Office of PCT Legal Administration
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TECHNOLOGY CENTER 2600

GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

In re Application of	:	
AOKI, SACHIYO	:	DECISION ON REQUEST TO
Application No. 12/297,546	:	PARTICIPATE IN PATENT
Filed: October 17, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 545-159	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 24, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims from the JPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS,** whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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GIBSON & DERNIER L.L.P.
900 ROUTE 9 NORTH
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WOODBRIDGE NJ 07095

In re Application of
AOKI, SACHIYO
Application No. 12/297,546
Filed: October 17, 2008
Attorney Docket No. 545-159

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 30, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

1 0 DEC 2008

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PATENTTM.US
P. O. BOX 82788
PORTLAND, OR 97282-0788

In re Application of PLAKSUNOV et al	:	
U.S. Application No.: 12/297,598	:	
PCT Application No.: PCT/RU2006/000612	:	
Int. Filing Date: 16 November 2006	:	
Priority Date Claimed: 06 December 2005	:	DECISION
Attorney Docket No.: V-389	:	
For: METHOD AND DEVICE FOR FORMING	:	
ARTICLES FROM FOAMING POLYMERS	:	
BY USING MICROWAVE RADIATION	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 October 2008.

BACKGROUND

On 16 November 2006, applicant filed international application PCT/RU2006/000612, which claimed priority of an earlier Russia application filed 06 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 June 2008.

On 07 June 2008, international application PCT/RU2006/000612 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

06 NOV 2008

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66061
MEADWESTVACO CORPORATION
Law Dept.
1021 Main Campus Drive
Centennial Campus
Raleigh, NC 27606

In re Application of AUCLAIR *et al* U.S. Application No.: 12/297,605 PCT No.: PCT/US2007/061611 Int. Filing Date: 05 February 2007 Priority Date: 03 February 2006 Docket No.: D-70139 For: TRANSPORTING AND VENDING PACKAGE	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 October 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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22 OCT 2009

LATHROP & GAGE LLP
4845 PEARL EAST CIRCLE
SUITE 201
BOULDER, CO 80301

In re Application of DOWSKI et al	:	
U.S. Application No.: 12/297,608	:	
PCT Application No.: PCT/US2007/009347	:	
Int. Filing Date: 17 April 2007	:	DECISION
Priority Date Claimed: 17 April 2006	:	
Attorney Docket No.: 484912	:	
For: ARRAYED IMAGING SYSTEMS AND	:	
ASSOCIATED METHODS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 14 August 2009 and correspondence filed 18 August 2009.

BACKGROUND

On 17 April 2007, applicant filed international application PCT/US2007/009347, which claimed priority of an earlier United States application filed 17 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 17 October 2008.

On 17 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 14 January 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 August 2009, applicant filed the present petition under 37 CFR 1.47(a).

On 18 August 2009, applicant filed an executed declaration.

DISCUSSION

The submission of a declaration executed by the previously nonsigning inventor is proper.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should state that the declaration filed 18 August 2009 is improper for the following reasons: (1) the declaration is an improper composite document created by assembling pages of different copies of the declaration into a single document for submission and (2) the declaration fails to list inventors Macon, Mader, Rauker, Johnson, Combs, Duerksen, Rhodes, and He as required by 37 CFR 1.497(a)(3).

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

1 2 JAN 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

22434
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
P.O. Box 70250
Oakland, CA 94612-0250

In re Application of :
MAO *et al* :
U.S. Application No.: 12/297,615 :
PCT No.: PCT/US2007/067548 :
Int. Filing Date: 26 April 2007 : **DECISION**
Priority Date: 26 April 2006 :
Docket No.: LBNLP046 :
For: ORGANIC LIGHT EMITTING DIODES :
WITH STRUCTURED ELECTRODES :

This is a decision on the response filed 04 November 2009.

BACKGROUND

On 02 April 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 01 September 2009, applicants provided the $65.00 surcharge fee and a declaration executed by three inventors. A two-month extension fee was charged to Deposit Account No. 50-4480.

On 19 October 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted 01 September 2009 was not in compliance with 37 CFR 1.497(a) and (b) because the inventors listed did not match the inventors recorded on the international publication.

On 04 November 2009, applicants filed the subject response which was accompanied by, *inter alia*, a substitute declaration and a copy of the PCT Request for PCT/US2007/067548.

DISCUSSION

Applicants confirm that there are three inventors in the subject application and claim that the original PCT Request listed all three inventors. Applicants provided a "true and correct copy" of the PCT Request submitted in PCT/US2007/067548 listing three inventors.

A review of PCT/US2007/067548 shows that the United States Receiving Office processed the international application incorrectly. The second page of the PCT Request listing Ga LIU and Stephen JOHNSON as additional inventors was provided by applicants; however, this sheet was placed as part of the PCT Fee Calculation sheet and not the PCT Request.

As such, the two inventors were not listed as inventors on the international publication.

CONCLUSION

Applicants' response to the Form PCT/DO/EO/916 mailed 19 October 2009 is accepted.

The declaration provided on 04 November 2009 is **not** accepted as the declaration is considered a composite declaration. A complete copy of the declaration signed by each inventor must be provided. Moreover, the citizenship of co-inventor, Samuel S. Mao listed on the declaration is improper.[1]

Applicants have **ONE (1) MONTH** to provide a declaration in compliance with 37 CFR 1.497(a) and (b).

Failure to provide a timely and proper response will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

---

[1] The citizenship of Mr. Mao is listed as CN (China) on the declarations executed by the other inventors, but is recorded as Ns (Unknown) on the declaration executed by Mr. Mao.

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30 MAR 2010

22434
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP
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Oakland, CA 94612-0250

In re Application of :
MAO *et al* :
U.S. Application No.: 12/297,615 :
PCT No.: PCT/US2007/067548 :
Int. Filing Date: 26 April 2007 : **DECISION**
Priority Date: 26 April 2006 :
Docket No.: LBNLP046 :
For: ORGANIC LIGHT EMITTING DIODES :
WITH STRUCTURED ELECTRODES :

This is a decision on the"Request for a Corrected Filing Receipt" filed 18 March 2010 which is treated as a petition under 37 CFR 1.181 and **GRANTED** as follows:

A filing receipt listing only one inventor, Samuel S. MAO, was mailed 17 February 2010.

As discussed in the Decision mailed 12 January 2010, the PCT Request for PCT/US2007/067548 was not processed correctly by the United States Receiving Office. Ga LIU and Stephen JOHNSON were not recorded in the international publication as inventors. This was improper.

Applicants seek a corrected filing receipt indicating the proper inventive entity.

This request has been approved. A corrected filing receipt listing Samuel S. MAO, Ga LIU and Stephen JOHNSON as the applicants was mailed 25 March 2010.

This application is being forwarded to Art Unit 2811 for examination.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

05 FEB 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BELL, BOYD & LLOYD LLP
P.O. Box 1135
CHICAGO IL 60690

In re Application of	:	
LABBE et al.	:	
Application No.: 12/297,679	:	DECISION ON
PCT No.: PCT/EP2007/000510	:	
Int. Filing Date: 22 January 2007	:	PETITION UNDER
Priority Date: 29 March 2006	:	
Attorney Docket No.: 112701-923	:	37 CFR 1.137(b)
For: A SWEET FOOD WITH LOW	:	
SUGAR CONTENTS	:	

This decision is in response to applicants' submission filed 20 October 2008.

BACKGROUND

On 22 January 2007, applicants filed international application PCT/EP2007/000510 which designated the U.S. and claimed a priority date of 29 March 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 September 2008.

On 20 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

On 21 January 2008, applicants filed a declaration of inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 20 October 2008.

As to item (2), applicant submitted the petition fee on 20 October 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 21 January 2009 is in compliance with 37 CFR 1.497(a)-(b). (A Form PCT/IB/306 on the www.wipo.int website establishes that a change to the inventive entity has been effected under PCT Rule 92bis. Thus, the declaration lists the proper inventive entity.)

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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2 9 JAN 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Byrne Poh LLP
11 Broadway, Ste 865
New York NY 10004

In re Application of	:	
LOCASTO, Michael E., et al.	:	
Application No.: 12/297,730	:	
PCT No.: PCT/US2006/015080	:	
Int. Filing Date: 21 April 2006	:	DECISION
Priority Date: None	:	
Attorney Docket No.: 0315120.197-US2	:	
For: SYSTEMS AND METHODS FOR	:	
INHIBITING ATTACKS ON	:	
APPLICATIONS	:	

This decision is in response to applicants' "Response to the Notification of Defective Response" filed with the United States Patent and Trademark Office on 04 December 2009.

On 16 November 2009, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the middle initial of the first named inventor on the declaration was different than on the international application and that complete declarations from the inventors were required.

On 04 December 2009, applicants filed an explanation and four declarations.

Under 37 CFR 1.41(a)(4), the inventorship in an international application is set during the international phase. The inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The inventor was listed in the international application as Michael E. Locasto, when it was filed, the indication in the publication notwithstanding.

The 04 December 2009 declaration complies with 37 CFR 1.497(a)-(b).

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

1 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of MILLER et al.	:
Application No.: 12/297,743	: DECISION ON PETITION
PCT No.: PCT/FR07/51130	:
Int. Filing: 18 April 2007	: UNDER 37 CFR 1.47(a)
Priority Date: 19 April 2006	:
Attorney Docket No.: 1104-013641-US(PAR)	:
For: METHOD AND DEVICE FOR	:
CHARACTERISING SENSITIVITY TO ENERGY	:
INTERACTIONS IN AN ELECTRONIC	:
COMPONENT	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 June 2009, to accept the application without the signature of the joint inventor IMAD LAHOUD. Applicant's request for a five month extension of time is granted.

BACKGROUND

On 20 October 2008, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 01 December 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 30 June 2009, applicant filed the instant petition along with a declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor IMAD LAHOUD, alleging that Mr. LAHOUD refused to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included authorization to charge the requisite petition fee to applicant's deposit account, satisfying Item (1). Item (3) is satisfied because the last known address of non-signing inventor was provided.

Inventor's Refusal to Sign

With respect to Item (2) above, the first hand statement of Ariane Chauveau was submitted, who states that on 4 May 2009, she sent "a copy of the Declaration via mail to Mr. Lahoud's last known address, along with a letter requesting him to sign and return the signed Declaration and Assignment to me." A copy of this letter in the French language was attached to the petition without an English translation. Again on 3 June 2009, she sent a copy of the same documents to Mr. Lahoud. However, there is no indication that Ms. Chauveau send a complete copy of the application (including specification, claims and drawings) to Mr. Lahoud as required. See Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal. [1] Where, as here, applicants are asking that the silence of a non-signing inventor be interpreted as a refusal to sign, it is especially important that the petition shows that a

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[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

complete set of application papers were mailed to a valid mailing address and received by the non-signing inventor.

In future filings, applicant is advised that all documents relied upon as evidence must be translated into the English language. A translation of the letters and return receipts were not provided with the petition. Moreover, Ms. Chauveau indicates that Mr. Lahoud contacted her on 06 May 2009 and that he asked for an explanation of the letter and did not indicate a refusal to sign the declaration but only a refusal to sign the assignment.

From the evidence presented one cannot conclude that Mr. Lahoud refuses to sign the application papers. The action taken by petitioner is not sufficient to prove that Mr. Lahoud refuses to sign the application papers.

With regard to item (4), the declaration submitted on 30 June 2009 is actually a five page declaration. However, the declaration is comprised of six pages. There are two signature pages (page 4) which are identical but which are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03.

Moreover, the declaration is unacceptable as it appears to be a French/English declaration. As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. Applicant has not provided a statement regarding the accuracy of the English translation of the French/English language declaration, which is required. The declaration is unacceptable as filed. The declaration as executed does not satisfy Item (4).

In sum, Petitioner has satisfied Items (1) and (3). Items (2) and (4) are not yet satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail

Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Telephone: (571) 272-3286
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UNITED STATES PATENT AND TRADEMARK OFFICE

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0 5 FEB 2010

Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of MILLER et al.	:
Application No.: 12/297,743	: DECISION ON PETITION
PCT No.: PCT/FR07/51130	:
Int. Filing: 18 April 2007	: UNDER 37 CFR 1.47(a)
Priority Date: 19 April 2006	:
Attorney Docket No.: 1104-013641-US(PAR)	:
For: METHOD AND DEVICE FOR	:
CHARACTERISING SENSITIVITY TO ENERGY	:
INTERACTIONS IN AN ELECTRONIC	:
COMPONENT	:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 October 2009, to accept the application without the signature of the joint inventor IMAD LAHOUD.

BACKGROUND

On 01 December 2008, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 30 June 2009, applicant filed a petition along with a declaration. The petition under 37 CFR 1.47(a), in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor IMAD LAHOUD, alleging that Mr. LAHOUD refused to sign the application.

On 01 September 2009, a decision was mailed to applicant indicating that the requirements of 37 CFR 1.47(a) had not been satisfied.

DISCUSSION

As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available

joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner previously satisfied Items (1) and (3).

With respect to Item (2) above, the first hand statement of Ariane Chauveau was submitted, who states that on 11 September 2009, she "sent another copy of the Declaration, Assignment and full text and drawings of the PCT application via mail to Mr. Lahoud's last known address, along with a letter requesting him to sign and return the signed Declaration and Assignment to me." A copy of this letter in the French language was attached to the petition with an English translation. Again on 12 October 2009, she sent a copy of the same documents to Mr. Lahoud. Ms. Chauveau included postal receipts with English translation. In addition, Ms. Chauveau states that Mr. Lahoud contacted her by telephone on October 26, 2009, asking her for an explanation of the letters. He stated that he did not intend to sign the assignment. Ms. Chauveau states that she has not received a signed declaration. From all the evidence presented one can now conclude that Mr. Lahoud refuses to sign the application papers. The action taken by petitioner is sufficient to prove that Mr. Lahoud refuses to sign the application papers. Item (2) above is satisfied.

With regard to item (4), the declarations submitted on 30 October 2009 are acceptable. Ms. Chauveau supplied the verification that the translation of the French/English declaration is true. Applicant has now provided a statement regarding the accuracy of the English translation of the French/English language declaration, which is required. The declarations are acceptable as filed and Item (4) is satisfied.

In sum, Petitioner has satisfied Items (1) - (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 30 October 2009. The application has an international filing date of 17 April 2007 under 35 U.S.C. 363, and a date of 30 October 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
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PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

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05 FEB 2010

MR. IMAD LAHOUD
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75009 PARIS FRANCE

In re Application of MILLER et al.
Application No.: 12/297,743
PCT No.: PCT/FR07/51130
Int. Filing: 18 April 2007
Priority Date: 19 April 2006
Attorney Docket No.: 1104-013641-US(PAR)
For: METHOD AND DEVICE FOR CHARACTERISING SENSITIVITY TO ENERGY INTERACTIONS IN AN ELECTRONIC COMPONENT

Dear Mr. Lahoud:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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DICKINSON WRIGHT, PLLC
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WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of

Mohammad VIZAEI
Application No. 12/297,932
Filed: February 27, 2009
Attorney Docket No. **039090-00164**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest ***who properly became of record*** *under 37 CFR 3.71*, or if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71 (c) states:

> ***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73 (b) that is signed by a party who is authorized to act on behalf of the assignee.***

The Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). All future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of
Dieter M. Gruen

Application No. 12297979

Filed: October 21,2008

Attorney Docket No. 6263-93330

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-OCT-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT, PLLC
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WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of

Srinath THIRUVENGADAM
Application No. 12/297,993
Filed: March 2, 2009
Attorney Docket No. **2006P05555 (NSN)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 31, 2010.

The request is **APPROVED**.

A review of the file record indicates that Kevin R. Spivak of Dickinson Wright, PLLC: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Kevin R. Spivak and all attorneys associated with Dickinson Wright, PLLC have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will continue to be directed to the first copied address below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER, LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

cc: **NOKIA SIEMENS NETWORKS GMBH & CO, KG**
CTO RTP IPR/PATENT ADMINISTRATION
MUNICH, GERMANY 80240

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2 4 OCT 2008

Muncy, Geissler, Olds & Lowe, PLLC
P.O. Box 1364
Fairfax, VA 22038-1364

In re Application of	:	
THEORET et al.	:	
U.S. Application No. 12/298,022	:	
PCT No.: PCT/CA06/00433	:	
Int. Filing Date: 22 March 2006	:	
Priority Date: 24 March 2005	:	DECISION ON PETITION
Attorney Docket No.: 1912/0400PUS1	:	
For: ELECTRICALLY CONDUCTIVE NON-WOVEN FABRIC	:	

The petition to revive under 37 CFR 1.137(b) filed 21 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JAN 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Bruno Graff	:	
Application No. 12/298,030	:	DECISION ON PETITION
Filed: November 24, 2009	:	TO WITHDRAW
Attorney Docket No. 24094-0004US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk A. Gottlieb on behalf of all attorneys/agents associated with customer number 26181. All attorneys/agents associated with customer number 26181 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor/assignee. The address is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Bruno Graff
3, Um Fridbesh
Friedbusch, Luxembourg

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/298,030	11/24/2009	Bruno Graff	24094-0004US1

CONFIRMATION NO. 3678

POWER OF ATTORNEY NOTICE

26181
FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

OC000000039718720

Date Mailed: 01/19/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/01/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

2 2 JUN 2009

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LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

In re Application of	:	
MULLER et al.	:	
Application No.: 12/298,056	:	DECISION
PCT No.: PCT/DE2007/000727	:	
Int. Filing Date: 24 April 2007	:	
Priority Date: 24 April 2006	:	
Attorney Docket No.: SE41US	:	
For: METHOD FOR CONTROLLING A TNI	:	
APPARATUS AND CORRESPONDING TNI	:	
APPARATUS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 29 April 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 24 April 2007, applicants filed international application PCT/DE2007/000727, which designated the United States and claimed a priority date of 24 April 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 October 2008.

On 22 October 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 December 2008, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 April 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time and a declaration of inventors.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Item (1) has not been met. The petition fee is $200 rather than $130.

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, no such statement of facts has been provided. Some documentary evidence been provided but no English translations of the documents have been provided.

Item (3) has been met.

Item (4) has not been met.

-The declaration of inventors filed 29 April 2009 is not sufficient since there is a difference in names of one of the inventors between the published international application (Kilz SILVIO) and the declaration of inventors (Silvio KILZ). It is not clear if there was a typographical error in the different names as indicated in the international application (an acceptable explanation would be required), or if one or more of the inventors has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

-The declaration filed 29 April 2009 is not sufficient because it contains non-initialed alterations (in the information regarding Kilz Silvio). 37 CFR 1.52(c). "The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

1 3 JUL 2009

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of	:	
PINTAULT, et al.	:	
Application No.: 12/298,057	:	DECISION ON PETITION
PCT No.: PCT/EP2007/054076	:	
Int. Filing Date: 25 April 2007	:	UNDER 37 CFR 1.181
Priority Date: 26 April 2006	:	
Atty Docket No.: 13777-78	:	
For: PROCESS FOR PRODUCING A NANOPOROUS LAYER OF NANOPARTICLES AND LAYER THUS OBTAINED	:	

This is a decision on applicant's petition under 37 CFR 1.181 for correction of "Notice of Acceptance" as to the date of completion of the 35 U.S.C. 371 requirements filed 26 June 2009 in the United States Patent and Trademark Office (USPTO). No petition fee is due.

BACKGROUND

On 25 April 2007, applicant filed international application PCT/EP2007/054076, which claimed priority of an earlier application filed 26 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 November 2007. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 October 2008.

On 22 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Application Data Sheet; an English translation of the international application as filed and a preliminary amendment.

On 20 November 2008, applicant filed an executed declaration of the inventors.

On 16 June 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 22 October 2008.

On 26 June 2009, applicant filed the present petition claiming that the 371 requirements were satisfied on 20 November 2008.

DISCUSSION

A review of the application file finds applicant's executed declaration, the last of the 371 requirements, was filed on 20 November 2008. This date is also shown on applicant's presently provided "electronic acknowledgement receipt" for the filing. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 25 April 2007 under 35 U.S.C. 363 and will be given a date of **20 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 16 June 2009 indicating a date of 22 October 2008 under 35 U.S.C. 371(c) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
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DEC 01 2008

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:	
MINOWA, NOBUTO	:	DECISION ON REQUEST TO
Application No. 12/298,067	:	PARTICIPATE IN PATENT
Filed: October 22, 2008-12-01	:	PROSECUTION HIGHWAY
Attorney Docket No. 2008_1634A	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 24, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

3 0 DEC 2008

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LOWE HAUPTMAN & BERNER, LLP
1700 DIAGONAL ROAD, SUITE 300
ALEXANDRIA, VA 22314

In re Application of RODRIGUEZ et al	:	
U.S. Application No.: 12/298,088	:	
PCT Application No.: PCT/EP2007/052950	:	
Int. Filing Date: 28 March 2007	:	
Priority Date Claimed: 21 April 2006	:	DECISION
Attorney Docket No.: 4590-982	:	
For: DEVICE AND METHOD FOR AMPLIFICATION OF RADIOCOMMUNICATION SIGNALS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 29 October 2008.

BACKGROUND

On 28 March 2007, applicant filed international application PCT/EP2007/052950, which claimed priority of an earlier France application filed 21 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 21 October 2008.

On 22 October 2008, international application PCT/EP2007/052950 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 29 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and a translation of the international application into English must be filed.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 4 OCT 2008

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD CT 06824

In re Application of: CAVALIERE, Frederick :
U.S. Application No.: 12/298,104 :
PCT No.: PCT/EP2007/052622 : DECISION ON PETITION
International Filing Date: 20 March 2007 :
Priority Date: 20 March 2006 :
Atty Docket No.: 1117-013647-US (PAR) :
For: METHOD OF PRODUCING :
STIFFENED PANELS MADE OF A :
COMPOSITE OF PANELS THUS :
PRODUCED :

The petition for revival under 37 CFR 1.137(b) filed 22 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2007/052622 became abandoned with respect to the United States at midnight on 20 September 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905).

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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2 0 JAN 2009

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65913
NXP, B.V.
NXP Intellectual Property Department
M/S41-SJ
1109 McKay Drive
San Jose, CA 95131

In re Application of :
SEUPEL *et al* :
U.S. Application No.: 12/298,205 :
PCT No.: PCT/IB2007/051345 :
Int. Filing Date: 16 April 2007 :
Priority Date: 20 April 2006 :
Docket No.: 00 4519 US1 :
For: DATA SUMMARIZATION SYSTEM :
AND METHOD FOR SUMMARIZING A :
DATA STREAM :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 October 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

06 NOV 2008

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00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

In re Application of PIERROT, Laurent U.S. Application No.: 12/298,215 PCT No.: PCT/IB2007/000795 Int. Filing Date: 19 March 2007 Priority Date: 24 March 2006 Docket No.: 0573-1067 For: MANUFACTURING PROCESS OF SWIMMING POOLS, PONDS AND OTHER SIMILAR AREAS OF WATER	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 23 October 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

Mail Date: 04/21/2010

Applicant	: Carlo M. Croce	: DECISION ON REQUEST FOR
Patent Number	: 7667090	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/298,221	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/10/2008	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

5 JUN 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
GRIZZI et al.	:	DECISION ON
Application No.: 12/298,239	:	
PCT No.: PCT/GB2007/001420	:	PAPERS
Int. Filing Date: 19 April 2007	:	
Priority Date: 28 April 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 29610/CDT797	:	
For: OPTO-ELECTRICAL POLYMERS AND	:	
DEVICES	:	

This is a decision on applicant's submission filed in the United States Patent and Trademark Office (USPTO) on 24 February 2009, which was accompanied by a declaration of the inventors. The indication in this declaration that inventor Carl Towns is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 April 2007, applicant filed international application PCT/GB2007/001420, which designated the United States and claimed a priority date of 28 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 October 2008.

On 23 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 29 December 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 February 2009, applicant filed the instant submission which was accompanied by,

inter alia, a declaration of the inventors. The indication in the declaration that inventor Carl Towns is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 24 February 2009 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 24 February 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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UNITED STATES PATENT AND TRADEMARK OFFICE

27 OCT 2008

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:	
ISTVAN	:	
Application No.: 12/298,257	:	
PCT No.: PCT/US07/04182	:	DECISION ON PETITION
Int. Filing Date: 14 February 2007	:	
Priority Date: 15 February 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 12853-55	:	
For: MESOPOROUS ACTIVATED CARBONS	:	

The petition to revive under 37 CFR 1.137(b) filed 23 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 14 February 2007 under 35 U.S.C. 363 and will be given a date of **23 October 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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29 OCT 2008

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Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104-7092

In re Application of	:	
WANG, Zhenhua	:	
U.S. Application No. 12/298,262	:	
PCT No.: PCT/IB07/50994	:	
Int. Filing Date: 21 March 2007	:	
Priority Date: 23 March 2006	:	DECISION ON PETITION
Attorney Docket No.: 853663.404USPC	:	
For: CONVERTER WITH PARALLEL COUPLED DIFFERENTIAL INPUT PAIRS	:	

The petition to revive under 37 CFR 1.137(b) filed 23 October 2008 the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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Choate, Hall & Stewart, LLP
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Boston, MA 02110

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JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
William McCulloch et al.	:	
Application No. 12/298,265	:	DECISION ON PETITION
Filed: February 5, 2010	:	TO WITHDRAW
Attorney Docket No. 2007233-0078	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to John D. Lanza and all attorneys/agents of record has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Jones Day
222 E. 41st Street
New York, NY 10017

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2 8 MAY 2009

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BAKER & HOSTETLER LLP
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WASHINGTON DC 20036-5304

In re Application of:	
ROSSNER, Ewald, et al.	DECISION ON PETITION
U.S. Application No.: 12/298,284	(37 CFR 1.182)
PCT No.: PCT/EP2007/053947	
International Filing Date: 23 April 2007	
Priority Date: 24 April 2006	
Attorney's Docket No.: 86032.1600	
For: MEASURING INSTRUMENT IN TWO-CONDUCTOR TECHNOLOGY	

This decision is issued in response to the "Petition Pursuant To 37 CFR 1.182" filed 17 March 2009. Applicants have paid the required petition fee.

BACKGROUND

On 23 April 2007, applicants filed international application PCT/EP2007/053947. The application claimed a priority date of 24 April 2006, and it designated the United States. On 01 November 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 October 2008. The published international application identified the fourth inventor as Armin KLUG.

On 23 October 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an application data sheet (ADS). Like the published international application, the ADS identified the fourth inventor as Armin KLUG.

On 13 January 2009, applicants filed an executed declaration document and the surcharge for filing the oath or declaration later than thirty months after the priority date. The declaration identified the fourth inventor as Arno KLUG.

On 29 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497. The Notification indicated that the declaration filed 13 January 2009 was not acceptable based on the inconsistency between the name of the fourth inventor listed on the declaration (Arno KLUG) and the name of record for this inventor (Armin KLUG).

On 17 March 2009, applicants responded to the Notification Of Missing Requirements by filing the "Petition Pursuant To 37 CFR 1.182" considered herein. The petition requests that the name of record for the fourth inventor be corrected to Arno KLUG, as set forth on the declaration filed 13 January 2009.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition indicates that the first name of the fourth inventor was incorrectly listed on the international application as "Armin" and that the correct name of this inventor is "Arno," as listed on the declaration filed 13 January 2009. Applicants request that the name of record for this inventor be corrected to "Arno" so as to permit acceptance of the previously filed declaration.

A grantable petition under 37 CFR 1.182 requires payment of the applicable $400 petition fee and a statement from the inventor and, if necessary, other persons with firsthand knowledge of the error, confirming the inventor's correct name, indicating how the error was made and when the error was discovered, and indicating that the error was made without deceptive intent.[1]

Applicants' present petition includes the required petition fee. The petition also includes a statement from counsel confirming that the correct name of the fourth inventor is Arno KLUG, as listed on the declaration, and that the listing of the inventor as Armin KLUG on the international application resulted from an error that was not discovered until after the international application had expired. However, the petition does not include the required statement from the inventor confirming these facts and expressly stating that the error occurred without deceptive intent. Applicants have therefore failed to provide all the requirements of a grantable petition.

Based on the above, the name of record for the fourth inventor remains Armin KLUG. The declaration filed on 13 January 2009, which identifies this inventor as Arno KLUG, therefore remains defective for failure to properly identify the inventors of record herein.

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[1] It is noted that, if the inventor's name has been changed since the filing of the international application, then MPEP section 605.04(c) requires "a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

In addition, it is noted that the declaration document filed 13 January 2009 appears to be an unacceptable compilation of multiple documents. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the fact that the declaration includes one copy each of pages one, two, four, and five, but two different copies of page three. The declaration is therefore not acceptable as submitted; applicants must provide complete copies of the declaration executed by each of the inventors.

Finally, applicants should consider including with any renewed petition a supplemental ADS containing the correct name for the fourth inventor. See MPEP section 605.04(c): "Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. ... If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name."

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of the first inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, a statement signed by inventor KLUG confirming his correct name and stating that the error in his name listed on the international application occurred without deceptive intent. Applicants must also provide complete copies of the declaration documents executed by each of the inventors (to resolve the compilation defect discussed above).

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

30 OCT 2009

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In re Application of:	:	
ROSSNER, Ewald, et al.	:	DECISION ON RENEWD
U.S. Application No.: 12/298,284	:	PETITION
PCT No.: PCT/EP2007/053947	:	(37 CFR 1.182)
International Filing Date: 23 April 2007	:	
Priority Date: 24 April 2006	:	
Attorney's Docket No.: 86032.1600	:	
For: MEASURING INSTRUMENT IN	:	
TWO-CONDUCTOR TECHNOLOGY	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. §1.182" filed 20 October 2009. No additional petition fee is required.

BACKGROUND

The background for this application was set forth in the decision mailed on 28 May 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to correct the name of record for the fourth inventor from Armin KLUG to Arno KLUG. Specifically, the decision indicated that applicants had not provided the required statement of non-deceptive intent from the inventor whose name was being changed. The decision also noted that the declaration filed by applicants appeared to be an unacceptable compilation of multiple documents.

On 20 October 2009, applicants filed the renewed petition considered herein (with required three-month extension fee.

DISCUSSSION

The renewed petition includes the required statement from inventor Arno KLUG confirming his correct name and stating that the error in the international application did not involve deceptive intent. Applicants have therefore now satisfied the final requirement for a grantable petition to correct the name of the inventor under 37 CFR 1.182.

The renewed petition was also accompanied by complete copies of the declaration documents executed by the inventors herein, resolving the compilation issue discussed in the previous decision, and a supplemental ADS in which the name of the fourth inventor has been corrected to Arno KLUG.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for the fourth inventor from Armin KLUG to Arno KLUG is **GRANTED**.

In view of this correction, the complete declaration documents filed on 20 October 2009 are acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 October 2009.

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In re Application of:	
ANGEL, Peter et al.	DECISION ON
PCT Application No.: PCT/EP2007/053943	
US Application No.: 12/298,295	PETITION
Int. Filing Date: 23 April 2007	
Priority Date claimed: 24 April 2006	UNDER
Atty Docket No.: 4266-0172PUS1	
For: MEANS AND METHODS FOR DIAGNOSING AND TREATING CANCER BASED ON THE FRMD3 GENE	37 CFR § 1.182

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. § 1.182 TO CHANGE NAME OF INVENTOR" received on 08 June 2009.

BACKGROUND

On 23 October 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, the basic national fee and a transmittal letter. The transmittal letter indicates the international application number as PCT/EP2007/053943.

Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 06 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 08 June 2009, applicants submitted the combined declaration and power of attorney and the instant petition, which included an affidavit in support of the name change of the inventor from Bettina HARTENSTEIN to Bettina FUESSEL. In addition, the declaration has been signed by Bettina FUESSEL.

On 07 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE (DO/EO/US)" (Form PCT/DO/EO/916) which indicated the name of applicant/inventor "Bettina Hartenstein" on the international publication did not match the name on the declaration.

On 23 October 2009, applicants resubmitted the petition under 37 CFR 1.182.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) a signed affidavit setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been charged to applicants' deposit account.

With respect to item (2), applicants have provided the petition with an affidavit from Bettina FUESSEL explaining her named changed from Bettina HARTENSTEIN (maiden name, legal name) to Bettina FUESSEL (married named), and sets forth the procedure whereby the change of name was effected. She has also signed affidavit under Bettina FUESSEL.

CONCLUSION

For this reason, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 USC 371 (c)(1), (c)(2), (c)(4) date is 23 October 2009.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

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MERCK AND CO., INC
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In re Application of:	:	
GARCIA, Yudith, et al.	:	DECISION
U.S. Application No.: 12/298,394	:	
PCT No.: PCT/GB2007/050213	:	
International Filing Date: 25 April 2007	:	
Priority Date: 26 April 2006	:	
Atty Docket No.: TER-NOP-1708-US-PCT	:	
For: Piperidines and Related Compounds	:	
for Treatment of Alzheimer's Disease	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 20 November 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 25 April 2007, applicants filed international application PCT/GB2007/050213. The international application claimed a priority date of 26 April 2006, and it designated the United States. On 08 November 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 26 October 2008.

On 24 October 2008, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 30 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 09 February 2009, applicants filed an executed declaration and payment of the required surcharge.

On 16 September 2009, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 09 February 2009 was defective because the citizenship of the first inventor set forth on the declaration was not the same as the citizenship set forth on the international application.

On 02 October 2009, applicants filed a response to the Notification Of Defective Response correctly asserting that there is no requirement that the citizenship in the declaration correspond to the citizenship in the international application. Accordingly, applicants requested that the previously filed declaration be accepted in compliance with 37 CFR 1.497.

On 13 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 02 October 2009. Also on 13 November 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 02 October 2009.

On 29 September 2009, applicants filed the "Request For Corrected Filing Receipt" considered as a petition herein. The petition asserts that the correct 35 U.S.C. 371(c) date for the present application is 09 February 2009, the date on which the executed declaration was filed.

DISCUSSION

A review of the application file confirms that the executed declaration filed to complete the final requirement of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 09 February 2009. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 09 February 2009, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 13 November 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 02 October 2009, is appropriately vacated. In addition, the filing receipt mailed on 13 November 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 02 October 2009, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 09 February 2009.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

A review of the application file confirms that the executed declaration filed to complete the final outstanding requirement of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), was filed herein on 09 February 2009.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 13 November 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 02 October 2009, and the subsequently mailed filing receipt that incorrectly identified the 35 U.S.C. 371(c) date as 02 October 2009, are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 09 February 2009.

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11 JUN 2009

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In re Application of	:	
Wadahara et al.	:	
Application No. 12/298,396	:	
PCT No.: PCT/JP2007/059145	:	
Int. Filing Date: 27 April 2007	:	DECISION
Eff. Priority Date: 28 April 2006	:	
Atty. Docket No.: TOR-130US	:	
For: Method For Producing Carbon Fiber Woven Fabric	:	

This is in response to the declaration of the inventors filed on 12 January 2009, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 27 April 2007, claimed an earlier priority date of 28 April 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 November 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 28 October 2008. Applicants filed, *inter alia*, the basic national fee on 24 October 2008.

On 01 December 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Counsel has submitted a Declaration signed by the "wife and legal representative of deceased inventor Shigeru Miyamoto." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration provides citizenship, residence and postal address information in the block nominating Shigeru Miyamoto. However, it is unclear whether this information pertains to Shigeru Miyamoto, to his legal representative (Kyoko Miyamoto), or to both. 37 CFR 1.497(b)(2) requires that information be provided for both the deceased inventor and the legal representative. Since it is not clear that the required indicia have been provided for both the deceased inventor and for the legal representative, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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In re Application of	:	
Wadahara et al.	:	
Application No. 12/298,396	:	
PCT No.: PCT/JP2007/059145	:	
Int. Filing Date: 27 April 2007	:	DECISION
Eff. Priority Date: 28 April 2006	:	
Atty. Docket No.: TOR-130US	:	
For: Method For Producing Carbon Fiber Woven Fabric	:	

This is in response to the renewed submission under 37 CFR 1.42 filed on 05 August 2009.

DISCUSSION

In a Decision mailed on 11 June 2009, the declaration filed on 12 January 2009 was treated under 37 CFR 1.42 and not accepted, without prejudice, because

> The declaration provides citizenship, residence and postal address information in the block nominating Shigeru Miyamoto. However, it is unclear whether this information pertains to Shigeru Miyamoto, to his legal representative (Kyoko Miyamoto), or to both. 37 CFR 1.497(b)(2) requires that information be provided for both the deceased inventor and the legal representative. Since it is not clear that the required indicia have been provided for both the deceased inventor and for the legal representative, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

In response, applicants have filed a declaration which nominates the entire inventive entity, is signed on behalf of the deceased inventor by his "Legal Representative," and provides the required information for both the deceased inventor and the legal representative. This declaration is accepted under 37 CFR 1.42 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **05 August 2009**.

/George Dombroske/
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In re Application of OKOCHI et al	:	
U.S. Application No.: 12/298,418	:	
PCT Application No.: PCT/JP2007/059430	:	
Int. Filing Date: 26 April 2007	:	DECISION
Priority Date Claimed: 27 April 2006	:	
Attorney Docket No.: 084437-0209	:	
For: MASK- TASTING SOLID PREPARATION	:	
OF PIOGLITAZONE	:	

This is in response to applicant's petition under 37 CFR 1.182 filed 29 May 2009.

BACKGROUND

On 26 April 2007, applicant filed international application PCT/JP2007/059430, which claimed priority of an earlier Japan application filed 27 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2008.

On 24 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 May 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified a discrepancy with regard to the name of the second inventor.

On 29 May 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the second listed inventor has changed from "Arisa Shingaki" to "Arisa Maeda".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by the requisite petition fee and a statement from the inventor setting forth both names and specifying the procedure whereby the change of name was effected.

Applicant is advised that an application data sheet submitted after filing must be signed in accordance with 37 CFR 1.33 and 10.18. See, for example, Form PTO/SB/14 (http://www.uspto.gov/ebc/portal/efs/sb0014_fill.pdf), which contains an appropriate signature block.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 October 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Commissioner for Patents
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JUN 07 2010

OFFICE OF PETITIONS

MAILED

JUN 07 2010

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of	:	
William McCulloch, et al.	:	
Application No. 12/298,436	:	DECISION ON PETITION
Filed: June 3, 2009	:	TO WITHDRAW
Attorney Docket No. 2007233-0080	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41ST STREET
NEW YORK, NY 10017

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JUL 19 2010

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

In re Application of	:	
William McCulloch, et al.	:	
Application No. 12/298,436	:	DECISION ON PETITION
Filed: June 3, 2009	:	TO WITHDRAW
Attorney Docket No. 2007233-0080	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41ST STREET
NEW YORK, NY 10017

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ALEXANDRIA, VA 22313-1450
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2 2 JAN 2010

POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

In re Application of KUPPURAJU et al	:	
U.S. Application No.: 12/298,498	:	
PCT Application No.: PCT/US2007/067513	:	
Int. Filing Date: 26 April 2007	:	DECISION
Priority Date Claimed: 26 April 2006	:	
Attorney Docket No.: TIMK 9805W1	:	
For: MULTISTAGE SEALING OF ROLLER BEARINGS	:	

This is in response to applicant's correspondence filed 16 November 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 26 April 2007, applicant filed international application PCT/US2007/067513, which claimed priority of an earlier United States application filed 26 April 2006. The thirty-month period for paying the basic national fee in the United States expired on 27 October 2008.

On 24 October 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 May 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 June 2009, applicant filed executed declarations.

On 30 October 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with regard to one of the inventor's names.

On 16 November 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the third inventor's surname was the result of a spelling error in filing the international application. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 June 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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0 3 FEB 2010

MAULIN V. SHAH
1418 7TH ST., #201
SANTA MONICA, CA 90401

In re Application of	:	
RAVINDRA et al	:	
Application No.: 12/298,528	:	DECISION ON PETITION
Filing Date: October 25, 2008	:	UNDER 37 CFR 1.55
Attorney Docket No.: LEG-0200	:	

This is a decision on the petition under 37 CFR 1.55(c), filed December 4, 2009, for acceptance of an unintentionally delayed claim under 35 U.S.C. 119(a)-(d) for benefit of the filing date of foreign application No. 655/MUM/2006 , filed April 26, 2006.

The petition is **DISMISSED AS MOOT**.

The present nonprovisional application was filed after November 29, 2000, and included a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Therefore, since the claim for priority was submitted during the period specified in 37 CFR 1.55(a)(1)(i), this is not an appropriate petition under the provisions of 37 CFR 1.55(c).

Applicant is advised, however, that the foreign priority claim is presently not valid because the filing date of the foreign application is more than twelve months prior to the filing date of the present application. As noted in the petition, the present application was filed under 35 U.S.C. 111(a) and is not a national stage application under 35 U.S.C. 371. Applicant may wish to consider filing a petition under 37 CFR 1.78(a)(3) to claim benefit under 35 U.S.C. 120 of the international application in order to properly claim priority to the foreign application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PCT
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0459
ATTN: Office of PCT Legal Administration

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

BryanLin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

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ALEXANDRIA, VA 22313-1450
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2 4 MAY 2010

MAULIN V. SHAH
1418 7TH ST., #201
SANTA MONICA, CA 90401

In re Application of	:	
RAVINDRA et al	:	
Application No.: 12/298,528	:	DECISION ON PETITION
Filing Date: October 25, 2008	:	UNDER 37 CFR 1.78
Attorney Docket No.: LEG-0200	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 25, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the supplemental application data sheet filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 37 CFR 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to the prior-filed application in the supplemental application data sheet does not contain the proper international application number format. The proper format is shown on the front page of the published international application in field number 21.

Before the petition under 37 CFR 1.78(a)(3) can be granted, a renewed petition and either a supplemental application data sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

BryanLin

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/22/2010

Applicant	: Arnstein Wee	: DECISION ON REQUEST FOR
Patent Number	: 7624652	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/298,654	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/22/2009	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

1 0 AUG 2009

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SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of	:	
Cramer et al.	:	
Application No.: 12/298,676	:	
Filing Date: 27 October 2008	:	DECISION
Attorney Docket No.: 1842.333US1	:	
For: Wagering Game Educational System	:	

This is in response to the correspondence filed on 27 October 2008 and 10 June 2009.

BACKGROUND

International application PCT/US2007/023500 was filed on 08 November 2007, claimed an earlier priority date of 10 November 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 May 2009. Applicants filed *inter alia* a $330.00 filing fee in 12/298,676 on 27 October 2008.

On 28 May 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Applicants state that "this application was not filed under a 371 like it is stated in the Missing Requirements received. We filed it as a Continuation in part under 111(a) as exhibited on the first page of the application."

Review of the record reveals that the Transmittal Letter filed on 27 October 2008 indicated this application to be a "Continuation-In-Part under 111(a)," and the accompanying Application Data Sheet shows an "Application Type" of "Regular Utility." The first line of the specification also indicated that treatment under 35 U.S.C. 111(a) as a "Continuation In Part" was desired. These indicia served as instructions that processing under 35 U.S.C. 111(a) was desired. However, the Electronic Acknowledgment Receipt dated 27 October 2008 shows an "Application Type" of "U.S. National Stage under 35 USC 371."

The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage

of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.

To clearly indicate an international application is being filed under 35 U.S.C. 371 the applicant should use the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter.

Alternatively, one of the following indications may be used:

1) the applicant shall clearly state in the transmittal or cover letter that he or she is filing under 35 U.S.C. 371 or entering the national stage under PCT; or

2) the applicant clearly identifies in the oath or declaration the specification to which it is directed by referring to a particular international application by PCT Serial Number and International Filing Date and that he or she is executing the declaration as, and seeking a U.S. Patent as, the inventor of the invention described in the identified international application.

If there are any conflicting instructions as to which section of the statute (371 or 111(a)) is intended the application will be accepted under 35 U.S.C. 111(a).

The indicia described above constitute conflicting instructions as to whether processing under 35 U.S.C. 371 rather than U.S.C. 111(a) was desired. Under the policy referenced above, this application properly should have been processed under 35 U.S.C. 111(a). Since applicants have not shown sufficient cause (e.g., loss of rights) or lack of availability of an alternative remedy, and in fact have explicitly requested such treatment, it would be appropriate, and consistent with the policy considerations described above, to process this application under 35 U.S.C. 111(a).

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 28 May 2009 is hereby **VACATED**.

DECISION

Applicants' request is **GRANTED** to the extent noted above.

This application is being forwarded to the Office of Patent Application Processing for processing as an application filed under 35 U.S.C. 111(a). The electronic records of the USPTO will be updated to show the correct application status, and the national stage entry papers ("IB papers") will be removed from the application file.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 1 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

In re Application of	:	
WEBER	:	
Application No.: 12/298,709	:	DECISION
Attorney Docket No.: 08-21485	:	
For: CHARACTER-BASED AUTOMATED	:	
MEDIA SUMMARIZATION	:	

This decision is in response to applicant's submission, which has properly been treated as a petition under 37 CFR 1.181, filed on 16 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 April 2007, applicant filed international application PCT/US2007/067207 which designated the US and claimed a priority date of 25 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 October 2008 (25 October 2008 being a Saturday).

On 27 October 2008, applicant filed application papers in the United States Patent and Trademark Office electronically via EFS-Web. The submission included, *inter alia*, a specification, abstract, claims, and drawings. The specification identifies the application as a "continuation-in-part" of PCT/US2007/067207. However, when filing the application electronically, applicant selected in the Graphical User Interface the radio button "U.S. National Stage under 35 USC 371" rather than the radio button "Nonprovisional Application under 35 USC 111(a)".

On 08 January 2009, the United States Desigated/Elected Office (do?EO/US) mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.4959 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 27 October 2008.

On 16 March 2009, applicant filed the instant submission requesting that the application be treated as a continuation-in-part application under 35 U.S.C. 111(a) rather than as a national stage filing under 35 U.S.C. 371. This submission has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). The official PTO Notice published in the Official Gazette at 1077 OG 13 entitled "Minimum Requirements for Acceptance of Applications Under 35 U.S.C. 371 (the National Stage of PCT)" states, in part, the following:

> The Patent and Trademark Office is continuing to receive application papers which do not clearly identify whether the papers (1) are being submitted to enter the national stage of the Patent Cooperation Treaty (PCT) under 35 U.S.C. 371 or (2) are being filed as a regular national application under 35 U.S.C. 111.
>
> * * *
>
> If there are any conflicting instructions as to which sections of the statute (371 or 111) is intended the application will be accepted under 35 U.S.C. 111.

As noted above, applicant gave conflicting instructions. Thus, the papers should have been considered as having been filed under 35 U.S.C. 111(a). Accordingly, the original papers deposited on 27 October 2008 were improperly accepted as a submission under 35 U.S.C. 371. The NOTICE OF ACCEPTANCE OF APPLICATION mailed 08 January 2009 is hereby VACATED. The application is accepted as having been filed under 35 U.S.C. 111(a).

Refund

The fee ($7,826) for claims in excess of 20 and the fee ($195) for multiple dependent claims, both charged on 02 January 2009 to Deposit Account 032030, have been credited to that Account.

CONCLUSION

For the reasons set forth above, applicants' petition under 37 CFR 1.181 is **GRANTED**. This application is accepted as an application filed under 35 U.S.C. 111(a).

For the reasons set forth above, the NOTICE OF ACCEPTANCE OF APPLICATION mailed 08 January 2009 is VACATED.

The application papers filed 27 October 2008 will be forwarded to the Office of Initial

Patent Examination for processing as an application filed under 35 U.S.C. 111(a) having application number **12/298,709** and having a filing date of **27 October 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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1 2 FEB 2010

Intellectual Property / Technology Law
P.O. Box 14329
Research Triangle Park, NC
27709

In re Application of	:	
DIMEO, et al.	:	
U.S. Application No.: 12/298,727	:	DECISION ON PETITION
PCT No.: PCT/US2007/067542	:	
Int. Filing Date: 26 April 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 26 April 2006	:	
Attorney Docket No.: 22655	:	
For: CLEANING OF SEMICONDUCTOR	:	
PROCESSING SYSTEMS	:	

This decision is in response to applicant's petition under 37 CFR 1.47 filed 19 January 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 April 2007, applicant filed international application PCT/US2007/067542, which claimed a priority date of 26 April 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 October 2008.

On 27 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee; a first preliminary amendment and an Application Data Sheet.

On 16 September 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 19 January 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time. 18 January 2010 being a federal holiday the petition under 37 CFR 1.47(a) is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR

1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items.

Regarding item (1), applicant has provided payment of $200.00 petition fee.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

Applicant has included firsthand accounts and exhibits which show that the non-signing inventor was mailed a complete set of application papers and numerous declarations for execution. Given the proof of his receipt of the papers and non-response, his silence will be considered a refusal for the purposes of proceeding pursuant to 37 CFR 1.47(a).

Regarding item (3), applicant has provided the last known address of the non-signing inventor.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventors on their own behalf and on behalf of the non-signing inventor.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 26 April 2007 under 35 U.S.C. 363, and will be given a date of **19 January 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

1 2 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mr. David Eldridge
2251 County Road, 284
Liberty Hill, Texas
78642

In re Application of
DIMEO, et al.
U.S. Application No.: 12/298,727
PCT No.: PCT/US2007/067542
Int. Filing Date: 26 April 2007
Priority Date: 26 April 2006
Attorney Docket No.: 22655
For: CLEANING OF SEMICONDUCTOR PROCESSING SYSTEMS

Dear Mr. Eldridge:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
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Tel: (571) 272-3294

Counsel of Record:
Intellectual Property / Technology Law
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Research Triangle Park, NC
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OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

MAILED
JUN 21 2010
OFFICE OF PETITIONS

Applicant: Oppici, Giorgio
Appl. No.: 12/298,779
International Filing Date: March 28, 2007
Title: SELF-ADJUSTING CENTRING DEVICE
Attorney Docket No.: 4A303-002US1
Pub. No.: 2009/0235620 A1
Pub. Date: September 24, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 26, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication, as the assignee data is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the assignment information printed on the front page may be an Office but the error is not a material Office mistake under 37 CFE 1.221(b). Applicants should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. An error in assignment information does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On June 17, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the assignment information. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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BURR & BROWN
PO BOX 7068
SYRACUSE NY 13261-7068

In re Application of: LUTZ, Eric	:	
U.S. Application No.: 12/298,794	:	DECISION
Int'l Application No: PCT/EP2006/007825	:	
Int'l Filing Date: 08 August 2006	:	
Priority Date: 09 August 2005	:	
Atty Docket No.: 885_102	:	
For: SENSOR APPARATUS FOR DETECTING AN OVERHANG ON THE LOAD	:	

This decision is issued in response to the "Petition For Revival Of An International Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 28 October 2008. The required small entity petition fee has been submitted.

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A patent practitioner of record appointed in compliance with § 1.32(b);
>
> (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The present petition for revival was not executed by the applicant, his properly registered agent or attorney, or an assignee that has properly established ownership of the application. In view of the address listed on the petition, the person signing the petition may be a representative of the assignee listed on the ADS, Cedes AG. However, the person signing the petition is not properly identified as a person authorized to act on behalf the assignee, and the assignee has not established in the present record its right to take action herein (see 37 CFR 3.73 and MPEP section 324).

Based on the above, the petition for revival is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits. The petition has been placed in the application file, but no further action will be taken thereon.

The present application is **ABANDONED** based on applicant's failure to request entry into the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date, i.e., 09 February 2008.

Any further correspondence with respect to this should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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Facsimile: (571) 273-0459

2 2 JAN 2009

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BURR & BROWN
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In re Application of: LUTZ, Eric	:	
U.S. Application No.: 12/298,794	:	DECISION
Int'l Application No: PCT/EP2006/007825	:	
Int'l Filing Date: 08 August 2006	:	
Priority Date: 09 August 2005	:	
Atty Docket No.: 885_102	:	
For: SENSOR APPARATUS FOR DETECTING AN OVERHANG ON THE LOAD	:	

The petition for revival under 37 CFR 1.137(b) filed 24 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2006/007825 became abandoned with respect to the United States at midnight on 09 February 2008 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

As set forth in the decision mailed 26 November 2008, applicant's original petition for revival under 37 CFR 1.137(b), filed 28 October 2008, was not considered on the merits in that it was not properly signed.

The present petition for revival was properly executed by the sole applicant herein. Applicant had previously submitted, on 28 October 2008, payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the present petition includes a statement from the applicant that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicant has not submitted an oath or declaration in compliance with 37 CFR 1.497 or an English translation of the international application as filed.

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15 JAN 2009

GORDON & JACOBSON, P.C.
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STAMFORD CT 06902

In re Application of DEWING et al. Application No.: 12/298,830 PCT No.: PCT/US07/66914 Int. Filing: 19 April 2007 Priority Date: 19 April 2006 Attorney Docket No.: EMO-001 US For: SYSTEM, APPARATUS AND METHODOLOGY FOR PEER-TO-PEER VOICE..	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, are required.

Cynthia M. Kratz

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MAR 1 2 2010

Oblan, Spivak, McClelland Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, VA 22314

In re application of Hiroshi Kobayashi Application No. 12/298,841 Filed: October 28, 2008 For: METAL BEARING	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 11, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (Written Opinion/ISA, WO/IPEA or IPER) along with an English translation thereof and a statement that the English translation is accurate (if the documents are not in the English language);

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; (if the documents are not in the English language)

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In light of the petition being properly submitted via EFS-Web as is required, and because the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

3/12/10

United States Patent and Trademark Office

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Solvay
c/o B. Ortego - IAM-NAFTA
3333 Richmond Avenue
Houston TX 77098-3099

In re Application of :
Grant et al. :
Application No. 12/298,846 :
PCT No.: PCT/EP2006/069874 :
Int. Filing Date: 19 December 2006 : DECISION
Priority Date: 22 December 2005 :
Att. Docket No.: IASR 2005/19 :
For: Method For The Onboard Determination :
Of The Volatility Of A Fuel :

The petition to revive under 37 CFR 1.137(b) filed on 28 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 28 October 2008 reveals that it appears to have been assembled by aggregating separately signed sheets to create the submitted document. This is not acceptable under the following policy explained at MPEP 201.03:

> *While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).*

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2009

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George P. Bonanto
Fish & Richardson P.C.
1425 K Street, N.W., 11th Floor
Washington, D.C. 20005-3500

In re Application of Cho, et al. Application No.: 12/298,911 PCT No.: PCT/KR2008/000379 Int. Filing Date: 21 January 2008 Priority Date: 19 January 2007 Attorney's Docket No.: 21613-0058US1 For: METHOD FOR PROTECTING CONTENT	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This decision in response to the "REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)" filed 30 April 2009, which is being treated as a petition under 37 CFR 1.497(d). The $130 petition fee has been paid.

BACKGROUND

On 21 January 2008, applicant filed international application PCT/KR2008/000379 that claimed priority of several earlier U.S. provisional applications, the earliest of which was filed 19 January 2007. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 19 July 2009.

On 29 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by an application data sheet, a preliminary amendment and the basic national fee as required by 35 U.S.C. 371(c). These papers were assigned application number 12/298,911.

On 30 April 2009, applicant filed the current petition.

DISCUSSION

37 CFR 1.497(d) states, in part:

If an oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) names an inventive entity different from the inventive entity set forth in the international application, applicant must submit (1) a statement from each person being added as an inventor and from each person being deleted

as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part, (2) the processing fee set forth in § 1.17(i), and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee.

The inventive entity shown on the declaration filed 30 April 2009 matches that shown in the published international application. Thus, a petition to correct inventorship is not required.

CONCLUSION

The petition under 37 CFR 1.48(a) and the request under 37 CFR 1.497(d) is **DISMISSED AS MOOT**.

The application has an international filing date of 21 January 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 April 2009. The application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

Debra S. Brittingham
PCT Special Programs Examiner
PCT Legal Office

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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27 OCT 2009

30678
CONOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W.
SUITE 1100
Washington, DC 20006

In re Application of
GUZMANN *et al*
U.S. Application No.: 12/298,915
PCT No.: PCT/EP2007/054091
Int. Filing Date: 26 April 2006
Priority Date: 02 May 2006
Attorney Docket No.: 13156-00212-US
For: COPOLYMERS AS SCALE INHIBITORS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the papers filed 09 June 2009 requesting to delete two inventors in the above-captioned national stage application. These papers are treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 09 June 2009, applicants submitted a declaration executed by six of the eight named inventors, a statement by two inventors being removed, a statement of consent by the assignee and a $130.00 surcharge fee.

DISCUSSION

Applicants request to remove Rouven Konrad and Diana Franz as inventors in the above-captioned national stage application of PCT/EP2007/054091.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants submitted the required statements from the inventors being removed. Thus, item (1) of 37 CFR 1.497(d) is complete. However, applicants failed to satisfy items (2) and (3) of 37 CFR 1.497(d).

Concerning item (2) of 37 CFR 1.497(d), applicants failed to provide the required $130.00 processing fee or provide authorization to charge the fee to counsel's Deposit Account[1].

Regarding item (3) of 37 CFR 1.497(d), applicants provided written consent of the assignee, BASF SE. The consent was signed by two persons listed as Directors. The position of Director in a foreign corporation is a position recognized as having the authority to sign on behalf of the organization. *See* MPEP § 324. However, the written consent of the assignee must also comply with 37 CFR 3.73. Applicants did not provide a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

Therefore, all items of 37 CFR 1.497(d) are not yet complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to remove Rouven Konrad and Diana Franz as inventors in the subject application is **DISMISSED** without prejudice.

Since the two inventors have not yet been removed, the declaration filed 09 June 2009 is not in compliance with 37 CFR 1.497(a)(3).

---

[1] The transmittal letter filed with the national stage papers on 29 October 2008 authorized that any required fee be charge to Deposit Account No. 03-2775. The paper was signed by Mr. Bryant L. Young. However, Mr. Young was not listed as an authorized person to charge fees to that account. Thus, the $130.00 processing fee could not be charged to the Deposit Account.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
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2 3 FEB 2010

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Washington, DC 20006

In re Application of
GUZMANN *et al*
U.S. Application No.: 12/298,915
PCT No.: PCT/EP2007/054091
Int. Filing Date: 26 April 2007
Priority Date: 02 May 2006
Attorney Docket No.: 13156-00212-US
For: COPOLYMERS AS SCALE INHIBITORS

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 24 December 2009.

BACKGROUND

On 27 October 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 24 December 2009, applicants filed the subject response which was accompanied by, *inter alia*, a $130.00 processing fee and a statement under 37 C.F.R. 3.73(b) signed by Mr. Bryant L. Young.

DISCUSSION

Applicants request to remove Rouven Konrad and Diana Franz as inventors in the above-captioned national stage application of PCT/EP2007/054091.

In the initial petition filed 09 June 2009, applicants failed to provide a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. Applicants also did not provide the required $130.00 processing fee.

As such, items (2) and (3) of 37 CFR 1.497(d) were not satisfied.

In the renewed petition, applicants provided a statement under 37 C.F.R. 3.73(b) containing the reel and frame number of the assignment. Mr. Young also states that he is authorized to act on behalf of the assignee. A written consent of the assignee was previously submitted. The processing fee of $130.00 was also provided.

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' request to remove Rouven Konrad and Diana Franz as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 09 June 2009 is in compliance with 37 CFR 1.497(a) & (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 April 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 09 June 2009.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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17 NOV 2008

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62479
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Washington, DC 20005

In re Application of GAÁL, József U.S. Application No.: 12/298,945 PCT No.: PCT/HU2006/000038 Int. Filing Date: 28 April 2006 Priority Date: 29 April 2005 Docket No.: DAN-024 (105101) For: SETUP FOR CONSTRUCTING A WEED MAP	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 29 October 2008 is hereby **GRANTED** as follows:

The proper fees and petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
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Tel.: (571) 272-3302

PTO/SB/130 (03-08)
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12298993	Confirmation Number	3318	Filing Date	2008-10-29
Attorney Docket Number (optional)	3688-101	Art Unit		Examiner	
First Named Inventor	Liang-tseng FAN				
Title of Invention	EXTRACTION OF HYDROCARBONS FROM HYDROCARBON-CONTAINING MATERIALS				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Liang-tseng		FAN	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/GEORGE R. REPPER/	Date (YYYY-MM-DD)	2009-05-27
Name	George R. Repper	Registration Number	31414

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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In re Application of
Liang-tseng Fan

Application No. 12298993

Filed:

Attorney Docket No. 3688-101

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAY-2009 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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Facsimile: (571) 273-0459

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17 FEB 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of	DECISION ON
Hawkins et al	
Application No.: 12/299,001	
PCT No.: PCT/AU2007/000387	
Int. Filing Date: 27 March 2007	PETITION UNDER
Priority Date: 27 March 2006	
Attorney's Docket No.: 29214/44176	
For: Edge Impact Protector	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 29 October 2008.

BACKGROUND

On 27 March 2007, this international application was filed, claiming an earliest priority date of 27 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 27 September 2008. This international application became abandoned with respect to the United States at midnight on 27 September 2008 for failure to pay the required basic national fee.

On 29 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

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3 1 OCT 2008

Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

In re Application of	:	
HOANG et al.	:	
U.S. Application No. 12/299,002	:	
PCT No.: PCT/EP07/52167	:	
Int. Filing Date: 08 March 2007	:	
Priority Date: 08 March 2006	:	DECISION ON PETITION
Attorney Docket No.: 015675.P729	:	
For: MACHINE ELECTRIQUE A COMMUTATION DE FLUX ET A DOUBLE EXCITATION	:	

The petition to revive under 37 CFR 1.137(b) filed 29 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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21 JAN 2009

BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA VA 22313-1404

In re Application of LENK et al.	:	
Application No.: 12/299,003	:	
PCT No.: PCT/US07/10470	:	DECISION ON
Int. Filing: 27 April 2007	:	
Priority Date: 02 May 2006	:	PETITION TO REVIVE
Attorney Docket No.: 074269-000035	:	
For: HEAT REMOVAL DESIGN FOR LED BULBS	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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0 4 NOV 2008

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
LILAND	:	
U.S. Application No.: 12/299,027	:	DECISION ON PETITION
PCT No.: PCT/NO07/00147	:	
Int. Filing Date: 26 April 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 26 April 2006	:	
Attorney Docket No.: MNL-2810-61	:	
For: APPARATUS FOR STABILIZING AN AIRWAY TUBE	:	

The petition to revive under 37 CFR 1.137(b) filed 30 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," supporting statement of counsel and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

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07 JAN 2009

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

In re Application of BOUKAFTANE et al	:	
U.S. Application No.: 12/299,028	:	
PCT Application No.: PCT/FR2007/000563	:	
Int. Filing Date: 02 April 2007	:	DECISION
Priority Date Claimed: 06 April 2006	:	
Attorney Docket No.: 404269	:	
For: EMBOSSING DEVICE, SUCH AS A CYLINDER OR A SLEEVE	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 30 October 2008.

BACKGROUND

On 02 April 2007, applicant filed international application PCT/FR2007/000563, which claimed priority of an earlier France application filed 06 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 25 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2008.

On 07 October 2008, international application PCT/FR2007/000563 became abandoned as to the United States for failure to timely pay the basic national fee.

On 30 October 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

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22 JAN 2009

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KIRK M NUZUM
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In re Application of	:	
LENK et al.	:	
Application No.: 12/299,049	:	
PCT No.: PCT/US07/10469	:	
Int. Filing Date: 27 April 2007	:	PETITION
Priority Date: 02 May 2006	:	
For: PLASTIC LED BULB	:	UNDER 37 CFR 1.137(b)
	:	
	:	
	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 12 December 2008.

BACKGROUND

Applicants filed the present application on 30 October 2008, inter alia, the specification, the claims and the drawings. The present application became abandoned at midnight on 03 November 2008 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 12 December 2008, applicants filed the present petition under 37 CFR 137(b) to revive the application. The basic national stage fee of $165 accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the designated credit card as authorized by applicants.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497 or the surcharge for filing such oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905)

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Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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N. Alex NOLTE, Esq.
Haynes and Boone, LLP
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2323 Victory Avenue, Suite 700
Dallas, Texas 75219

In re Application of	DECISION ON
CHOCHUA, Gocha	
Application No.: 12/299,051	
PCT No.: PCT/US2007/066057	
Int. Filing Date: 05 April 2007	PETITION UNDER
Priority Date: 06 April 2006	
Attorney's Docket No.: 42495-370	
For: FLOATING FLUID FILM	
SEALS	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 30 October 2008.

BACKGROUND

On 05 April 2007, this international application was filed, claiming an earliest priority date of 06 April 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 06 October 2008. This international application became abandoned with respect to the United States at midnight on 06 October 2008 for failure to pay the required basic national fee.

On 30 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee.

On 19 November 2008, applicant filed an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **19 November 2008.**

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Dallas, Texas 75219

In re Application of	DECISION ON
Joel T. SANFORD	
Application No.: 12/299,061	
PCT No.: PCT/US2007/08149	
Int. Filing Date: 02 April 2007	PETITION UNDER
Priority Date: 31 March 2006	
Attorney's Docket No.: 42495-371	
For: CONTROL VALVE ASSEMBLY FOR A	
COMPRESSOR UNLOADER	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 30 October 2008.

BACKGROUND

On 02 April 2007, this international application was filed, claiming an earliest priority date of 31 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 01 October 2008. This international application became abandoned with respect to the United States at midnight on 01 October 2008 for failure to pay the required basic national fee.

On 30 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, the petition fee, and executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **30 October 2008.**

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,085	10/30/2008	Yukio Nishimiya	08729/LH	5040

1933 7590 01/22/2010
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

ART UNIT	PAPER NUMBER
2873	

MAIL DATE	DELIVERY MODE
01/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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220 Fifth Avenue
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NEW YORK NY 10001-7708

In re Application of	**: DECISION ON REQUEST TO**
NISHIMIYA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/299,085	**: PROSECUTION HIGHWAY**
Filed: 30 October 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 08729/LH	**: TO MAKE SPECIAL UNDER**
For: LENS MODULE	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 07 December 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

30 DEC 2008

INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
SUITE 1205
SAN JOSE CA 95113

In re Application of	:	
YOON	:	
Application No.: 12/299,119	:	DECISION ON
PCT No.: PCT/KR2007/002056	:	
Int. Filing Date: 26 April 2007	:	PETITION UNDER
Priority Date: 28 April 2006	:	
Attorney Docket No.: TWIP.MORRIS.PT4	:	37 CFR 1.137(b)
For: SLIDE TYPE WRITING TOOLS HAVING	:	
DEVICE FOR PREVENT DRYNESS	:	

This decision is in response to applicant's submissions filed 30 October 2008 and 03 December 2008.

BACKGROUND

On 26 April 2007, applicant filed international application PCT/KR2007/002056 which designated the U.S. and claimed a priority date of 28 April 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 October 2008.

On 30 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

On 03 December 2008, applicant filed a declaration of the inventor.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 30 October 2008.

As to item (2), applicant submitted the petition fee on 30 October 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 03 December 2008 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty

Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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ADAMS INTELLECTUAL PROPERTY LAW, P.A.
Suite 2350 Charlotte Plaza
201 South College Street
CHARLOTTE NC 28244

In re Application of	:	
PRZYBYLO et al.	:	
Application No.: 12/299,139	:	DECISION
PCT No.: PCT/US2007/066062	:	
Int. Filing Date: 05 April 2007	:	
Priority Date: 05 April 2006	:	
Attorney Docket No.: 3144/104US	:	
For: CHILD SAFETY SEAT WITH LOAD	:	
LIMITED BASE	:	

This decision is in response to applicants' submission filed 31 October 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 April 2007, applicant filed international application PCT/US2007/066062 which designated the U.S. and claimed a priority date of 05 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 18 October 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 October 2008 (05 October 2008 being a Sunday).

On 31 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 31 October 2008.

As to item (2), applicant submitted the petition fee on 31 October 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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Legal Administration
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0 4 FEB 2009

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BOHAN MATHERS
PO BOX 17707
PORTLAND ME 04112-8707

In re Application of	:	
EBERLE et al.	:	
Application No.: 12/299,179	:	DECISION
PCT No.: PCT/DE2007/000222	:	
Int. Filing Date: 05 February 2007	:	
Priority Date: 06 February 2006	:	
Attorney Docket No.: 08-109	:	
For: FLUID FILTER COMPRISING A	:	
PROTECTED LIQUID SENSOR	:	

This decision is in response to applicants' submission filed 31 October 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 February 2007, applicant filed international application PCT/DE2007/000222 which designated the U.S. and claimed a priority date of 06 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 16 August 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 August 2008.

On 31 October 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 31 October 2008.

As to item (2), applicant submitted the petition fee on 31 October 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

MAY 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Konstantopoulos et al.	:	DECISION ON PETITION
Application No. 12/299,209	:	TO WITHDRAW
Filed: September 21, 2009	:	FROM RECORD
Attorney Docket No. 046585-0183	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Richard C. Peet on behalf of all attorneys of record who are associated with Customer No. 22428.

All attorneys/agents associated with Customer Number 22428 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Konstantopoulos Konstantinos
3748 Running Spring Rd.
Ellicott City, Maryland 21042

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20350
TOWNSEND AND TOWNSEND AND CREW, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of
BELANOFF, Joseph
U.S. Application No.: 12/299,265
PCT No.: PCT/US2007/068044
Int. Filing Date: 02 May 2007
Priority Date: 02 May 2006
Attorney Docket No.: 019904-003710US
For: THE USE OF A GLUCOCORTICOID RECEPTOR II ANTAGONIST

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 28 December 2009.

BACKGROUND

On 31 October 2008, applicant entered the national stage of PCT/US2007/060844 using the USPTO EFS-Web system. The Office processed the application as the national stage of PCT/US2007/060844 as requested.

On 20 November 2009, a communication was mailed requesting clarification on the PCT number.

On 28 December 2009, applicant filed the subject petition.

DISCUSSION

Applicant requests to correct the PCT number in the above-captioned national stage application to PCT/US2007/068044 pursuant to 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was identified (PCT/US2007/060844) upon initial filing electronically using the USPTO EFS-Web system. Applicant also erroneously identified the PCT number as PCT/US2007/060844 on most papers filed 31 October 2008.

Nonetheless, applicant provided copies of the international application and ISR for PCT/US2007/068044 with the initial filing. WIPO records also indicate that the title, name of the applicant, specification, claims and drawings correspond to

PCT/US2007/068044, not PCT/US2007/060844. Applicant confirms that the PCT number should be PCT/US2007/068044 in the subject petition.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/US2007/068044. This is sufficient for a grantable petition.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/US2007/068044.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI LLP
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219-6404

In re Application of BLUNT	:	
Application No.: 12/299,293	:	
PCT No.: PCT/GB07/01316	:	DECISION ON
Int. Filing: 10 April 2007	:	
Priority Date: 29 April 2006	:	PETITION TO REVIVE
Attorney Docket No.: SERJ 84645	:	
For: ENGINES	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 31 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER CO 80202

In re Application of	:	
OZENNE	:	
U.S. Application No.: 12/299,297	:	DECISION ON PETITION
PCT No.: PCT/IB07/51068	:	
Int. Filing Date: 27 March 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 30 March 2006	:	
Attorney Docket No.: STW-004739US	:	
For: SELF-CALIBRATING MIXER	:	

The petition to revive under 37 CFR 1.137(b) filed 31 October 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," supporting statement of counsel and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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0 9 DEC 2008

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER CO 80202

In re Application of	:	DECISION ON
Bastug et al	:	
Application No.: 12/299,301	:	
PCT No.: PCT/IB2007/050411	:	
Int. Filing Date: 08 February 2007	:	PETITION UNDER
Priority Date: 08 February 2006	:	
Attorney's Docket No.: STW-005129US	:	
For: A SYMBOL-LEVEL ...	:	
IMPLEMENTING THIS	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 August 2006.

BACKGROUND

On 22 February 2007, this international application was filed, claiming an earliest priority date of 22 February 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 08 August 2008. This international application became abandoned with respect to the United States at midnight on 08 August 2008 for failure to pay the required basic national fee.

On 31 October 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

3 1 JUL 2009

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Alexandria, VA 22313-1450

C. R. Bard, Inc.
Bard Peripheral Vascular, Inc.
1415 W. 3rd Street
P.O. Box 1740
Tempe AZ 85280-1740

In re Application of: CHANDUSZKO, Andrzej, J., et al. U.S. Application No.: 12/299,304 PCT Application No.: PCT/US2007/009186 Int. Filing Date: 16 April 2007 Priority Date: 02 May 2006 Attorney Docket No.: 1016750053P For: VENA CAVA FILTER FORMED FROM A SHEET	DECISION ON PETITION (37 CFR 1.137(b))

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b) filed 16 June 2009. Applicants have paid the petition fee.

BACKGROUND

On 16 April 2007, applicants filed international application PCT/US2007/009186. The international application claimed a priority date of 02 May 2006, and it designated the United States. The deadline for payment of the U.S. basic national fee was thirty months from the priority date, i.e., 02 November 2008.

On 31 October 2008, applicants filed a request for entry into the U.S. national stage for PCT/US2007/009186 accompanied by, among other materials, payment of the basic national fee.

On 14 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 16 June 2009, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein, accompanied by an executed declaration and payment of the required surcharge.

DISCUSSION

The Notification Of Missing Requirements mailed 14 April 2009 provided applicants with a two month response deadline, and it indicated that the failure to properly respond would result in abandonment. However, the Notification also states that the "time period set forth above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a)."

Applicants filed a declaration and surcharge payment in response to the Notification Of Missing requirements on 16 June 2009, one day after the expiration of the two month response deadline. However, all that is required for such response to be considered timely is payment of the fee for a one-month extension of time under the provisions of 37 CFR 1.136(a). Pursuant to the authorization to charge required fees contained in the original application materials filed by applicants on 31 October 2008, Deposit Account No. 50-2191 will be charged the $130 fee required for the one-month extension.

In view of the above one-month extension, applicants' 15 June 2009 response to the Notification Of Missing Requirements is considered timely. Accordingly, the present application did not go abandoned for failure to timely respond to the Notification, and applicants' petition for revival of the application under 37 CFR 1.137(b) is appropriately dismissed as moot. The petition fee submitted with this unnecessary petition will be refunded to Deposit Account No. 02-0835.

CONCLUSION

The petition for revival of the international application under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

Deposit Account No. 50-2191 will be charged the $130 fee for the one-month extension of time required for the 15 June 2009 submission to be considered a timely response to the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 14 April 2009, thereby avoiding abandonment of the present application.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 June 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,316	11/03/2008	Paul O'Connor	ID0003US	8352

90394 7590 07/23/2010
Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER
CALDAROLA, GLENN A

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
07/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

JUL 23 2010

In re Application of	:	
Paul O'Connor et al.	:	DECISION ON PETITION
Application No. 12/299,316	:	TO MAKE SPECIAL UNDER
Filed: November 03, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. ID0003US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,319	11/03/2008	Paul O'Connor	ID0006US	8356

90394 7590 06/28/2010
Kior Inc.
13001 Bay Park Rd.
Pasadena, TX 77507

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
06/28/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Kior Inc.
13001 Bay Park Rd.
Pasadena TX 77507

JUN 28 2010

In re Application of	:	
O'Connor et al.	:	DECISION ON PETITION
Application No. 12/299,319	:	TO MAKE SPECIAL UNDER
Filed: 11/3/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **ID0006US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/10/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HALL & STEWART/HARVARD UNIVERSITY
TWO INTERNATIONAL PLACE
BOSTON MA 02110

COPY MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Mazitschek et al.	:	DECISION ON PETITION
Application No. 12/299,430	:	TO WITHDRAW
Filed: March 26, 2009	:	FROM RECORD
Attorney Docket No. 0342941-0346 (HU 2436)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 3, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Brenda Herschbach Jarrell on behalf of all attorneys/agents of record who are associated with Customer Number 58374.

All attorneys/agents associated with Customer Number 58374 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

The instant application is currently awaiting examination in Technology Center AU 1614.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

2 7 MAY 2009

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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75410
Michael P. Morris
BOEHRINGER INGELHEIM USA CORPORATION
900 Ridgebury Road,
P.O. Box 368
Ridgefield, CT 06877-0368

In re Application of SCHMELZER *et al* U.S. Application No.: 12/299,535 PCT No.: PCT/EP2007/054490 Int. Filing Date: 09 May 2007 Priority Date: 19 May 2006 Docket No.: 01-2064 For: PROPELLANT-FREE AEROSOL FORMULATION FOR INHALATION	**DECISION**

This decision is in response to the papers filed 10 February 2009 which are treated as a petition under 37 CFR 1.42.

BACKGROUND

On 04 November 2008, applicants submitted papers to enter the national stage of PCT/EP2007/054490.

On 15 January 2009, a change of correspondence address was filed.

On 10 February 2009, applicants submitted a declaration executed one of the two named inventors and the heirs of a deceased inventor.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.43 *When the Inventor is Insane or Legally Incapacitated*, states:

> In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicants submitted a declaration executed by one of the two named inventors and by the heirs of deceased inventor, Rainer Weitzel. Applicants included a certified English translation of the will of Mr. Rainer which shows that Silvia Weitzel, Vanessa Sabrina Weitzel and Robin Yannik Weitzel constitute all the heirs of the deceased inventor.

Silvia Weitzel signed as legal guardian of Robin Yannik Weitzel who was a minor (under the age of 18) at the time of execution. While a minor may sign a declaration (*See* § 409 MPEP), the legal guardian of a minor is allowed to execute a declaration for a minor pursuant to 37 CFR 1.43. The required information for the inventors and legal representatives are recorded on the declaration.

As such, the declaration is in compliance with 37 CFR 1.497(a) and (b)

CONCLUSION

The papers filed under 37 CFR 1.42 and 37 CFR 1.43 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 May 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 10 February 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

6 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Michael P. Morris
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368

In re Application of	:	
SCHMELZER, et al.	:	
Application No.: 12/299,537	:	
PCT No.: PCT/EP07/54488	:	DECISION ON PETITION
Int. Filing Date: 09 May 2007	:	
Priority Date: 19 May 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 01-2065	:	
For: AEROSOL FORMULATION	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and declaration filed 10 February 2009 is being treated as a request for status pursuant to 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 09 May 2007, applicants filed international application PCT/EP07/54488, which claimed a priority date of 19 May 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 November 2007. Pursuant to 37 CFR 1.495, the thirty month deadline for entering the U.S. National stage was set to expire on 19 November 2008.

On 04 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an Application Data Sheet, an Information Disclosure Statement and a preliminary amendment.

On 10 February 2009, applicant filed the declaration discussed herein.

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 10 February 2009 was executed by Silvia Weitzel and Vanessa

Weitzel and by Silvia Weitzel as legal guardian to Robin Weitzel, all signing as heirs to the estate of deceased inventor Rainer Weitzel. Applicant has provided an inheritance certificate showing that the above named individuals represent all of the heirs of the deceased inventor. However, the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the residence and post office addresses of the heirs is not indicated on the declaration. Under 37 CFR 1.497(b) the information must be provided for both the deceased inventor and the surviving heirs. In this particular case the lack of residence and mailing information is not required for the two inventors as it was provided on the filed application data sheet. However, a newly executed declaration of the heirs is required which provides their complete information.

In addition to filing a compliant oath or declaration of the inventors, in order to proceed under 37 CFR 1.42, applicant is also required to file a statement that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

CONCLUSION

Applicants' petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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06 NOV 2009

Michael P. Morris
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368

In re Application of	:	
SCHMELZER, et al.	:	
Application No.: 12/299,537	:	
PCT No.: PCT/EP07/54488	:	DECISION ON PETITION
Int. Filing Date: 09 May 2007	:	
Priority Date: 19 May 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 01-2065	:	
For: AEROSOL FORMULATION	:	

On 06 July 2009, applicant was mailed decision dismissing applicant's request for status under 37 CFR 1.42. Applicant was afforded two months to file any intended response.

On 24 September 2009, applicant filed the present response and supplemental declaration. A review of the filed declaration finds that it is in compliance with 37 CFR 1.497(a)-(b) in that it properly lists all inventors, has been executed by co-inventor Schmelzer as well as the heirs to the estate of deceased co-inventor Weitzel. Further to the decision of 06 July 2009, the declaration sets for the residence, mailing address and citizenship of the heirs and it is therefore proper to grant applicant's renewed request for status at this time.

The application has an international filing date of 09 May 2007 under 35 U.S.C. 363 and will be given a date of **24 September 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

23 JUN 2009

United States Patent and Trademark Office

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MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of	:	
Meares et al.	:	
Application No. 12/299,556	:	
PCT No.: PCT/US2007/068414	:	
Int. Filing Date: 07 May 2007	:	DECISION
Priority Date: 05 May 2006	:	
Att. Docket No.: 061818-5030-US	:	
For: Streptavidin-Biotin-Like	:	
Antibody-Hapten System	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The Notice of Acceptance (Form PCT/DO/EO/903) mailed on 29 December 2008 indicated an incorrect date under 35 U.S.C. 371(c)(1), (2) and (4), and the Filing Receipt issued on the same date shows an incorrect "Filing or 371(c) Date;"; accordingly, both are hereby **VACATED.**

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 May 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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14 NOV 2008

The Law Office of Michael E. Kondoudis, PC
888 16th Street, N.W.
Suite 800
Washington DC 20006

In re Application of	:	
OZANA, et al.	:	
U.S. Application No. 12/299,562	:	
PCT No.: PCT/IL07/00513	:	
Int. Filing Date: 26 April 2007	:	
Priority Date: 01 May 2006	:	DECISION ON PETITION
Attorney Docket No.: 1400.0029	:	
For: A SYSTEM AND A METHOD FOR MANAGING TICKETS SALE	:	

The petition to revive under 37 CFR 1.137(b) filed 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

20 FEB 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
QIAN	:	
Application No.: 12/299,570	:	
PCT No.: PCT/IB07/50684	:	DECISION ON PETITION
Int. Filing Date: 02 March 2007	:	
Priority Date: 03 March 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 00 4149 US1	:	
For: METHOD AND APPARATUS FOR	:	
GENERATING CLOCK SIGNALS FOR	:	
QUADRATURE SAMPLING	:	

The petition to revive under 37 CFR 1.137(b) filed 04 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply/fee from the due date for the required reply/fee until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 02 March 2007 under 35 U.S.C. 363 and will be given a date of **04 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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DICKINSON WRIGHT, PLLC
1875 EYE STREET NW, SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of
David BERECHYA, et *al.*
Application No. 12/299,582
Filed: November 4, 2008
Attorney Docket No. **2006P03135 (NSN)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **DICKINSON WRIGHT, PLLC** has been revoked by the assignee of the patent application on May 25, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER, LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

UNITED STATES PATENT AND TRADEMARK OFFICE

30 JUN 2009

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Solvay
c/o B. Ortego - IAM-NAFTA
3333 Richmond Avenue
Houston TX 77098-3099

In re Application of	:	
BAUDOUX, et al.	:	
Application No.: 12/299,667	:	
PCT No.: PCT/EP2007/054719	:	DECISION ON PAPERS
Int. Filing Date: 15 May 2007	:	
Priority Date: 22 May 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: IASR 2006/10	:	
For: PLUG SYSTEM FOR A FUEL TANK	:	
FILLER PIPE	:	

This decision is in response to applicant's declaration filed 05 November 2008. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 15 May 2007, applicant filed international application PCT/EP2007/054719, which claimed priority to an earlier application filed 22 May 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 November 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 November 2008.

On 05 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an executed combined declaration and power of attorney, an Information Disclosure Statement; an Application Data Sheet and a preliminary amendment.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 05 November 2008 is executed by Michele Dauzou Veuve Zanini as legal representative of the estate of deceased co-inventor, Ambroise Zanini. The declaration provides the citizenship, residence and mailing address for both the deceased co-

inventor and the signing legal representative per 37 CFR 1.497(a)(3). As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 15 May 2007 and will be given a date of **05 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

0 8 DEC 2008

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of	:	
LARSEN, Janus	:	
Application No.: 12/299,670	:	DECISION
PCT No.: PCT/DK2007/000018	:	
Int. Filing Date: 12 January 2007	:	ON PETITION UNDER
Priority Date: 12 January 2006	:	
Docket No.: HOI-022XX	:	37 CFR 1.137(b)
For: REIMMUNIZATION AND ANTIBODY DESIGN	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 05 November 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration is required. Additionally the sequence listing in computer readable form submitted with this petition has been found defective.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration, a sequence listing in compliance with regulations, and various fees are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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KEVIN R. SPIVAK
DICKINSON WRIGHT, PLLC
1875 EYE STREET NW, SUITE 1200
WASHINGTON, DC

MAILED

JUL 07 2010

OFFICE OF PETITIONS

In re Application of
Pedro Ricardo DE FRIAS REBELO NUNES
Application No. 12/299,686
Filed: July 13, 2009
Attorney Docket No. **2006P03998 (NSN)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 31, 2010.

The request is **APPROVED**.

A review of the file record indicates that Kevin R. Spivak of Dickinson Wright, PLLC: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Kevin R. Spivak and all attorneys associated with Dickinson Wright, PLLC have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All communications from the Office will continue to be directed to the first copied address below until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER LLP**
P O BOX 2480
HOLLYWOOD FL 33022-2480

cc: **NOKIA SIEMENS NETWORKS GMBH & CO. KG**
CTO RTP IPR/PATENT ADMINISTRATION
MUNICH, GERMANY 80240

1 0 NOV 2008

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www.uspto.gov

General Electric Company
GE Global Patent Operation
PO Box 861
2 Corporate Drive, Suite 648
Shelton CT 06484

In re Application of	:	
HABBEN, et al.	:	
U.S. Application No.: 12/299,717	:	DECISION ON PETITION
PCT No.: PCT/GB07/01548	:	
Int. Filing Date: 26 April 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 03 May 2006	:	
Attorney Docket No.: 228292-7	:	
For: METHODS AND APPARATUS FOR	:	
CONFIGURING INTERFACE UNITS	:	

The petition to revive under 37 CFR 1.137(b) filed 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," supporting statement of counsel and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

14 NOV 2008

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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY UT 84102

In re Application of	:	
WALCH	:	
Application No.: 12/299,747	:	
PCT No.: PCT/CH06/00728	:	DECISION ON PETITION
Int. Filing Date: 22 December 2006	:	
Priority Date: 23 December 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 4415.RHP.PT	:	
For: FACADE GLAZING ELEMENT AND FACADE	:	
GLAZING COMPRISING SUCH AN ELEMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied with the filing of an executed declaration of the inventor.

The application has an international filing date of 22 December 2006 under 35 U.S.C. 363 and will be given a date of **05 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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05 JAN 2009

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CAHN & SAMUELS LLP
1100 17th STREET NW
SUITE 401
WASHINGTON DC 20036

In re Application of Hershkovitz Application No. 12/299,756 PCT No.: PCT/CA2007/000727 Int. Filing Date: 27 April 2007 Priority Date: 04 May 2006 Att. Docket No.: 636.0003CIP For: Security System Entry Control	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 05 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 05 November 2008 is defective because it lacks the statements required by 37 CFR 1.68 and 1.69(b).

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 6 JUL 2010

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
Hershkovitz	:	
Application No. 12/299,756	:	
PCT No.: PCT/CA2007/000727	:	
Int. Filing Date: 27 April 2007	:	DECISION
Priority Date: 04 May 2006	:	
Att. Docket No.: 2856.0020003	:	
For: Security System Entry Control	:	

This is in response to the request for corrected filing receipt filed on 09 April 2010..

BACKGROUND

This international application was filed on 27 April 2007, claimed an earliest priority date of 04 May 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 15 November 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 04 November 2008. This international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee. In a Decision mailed on 05 January 2009, a petition under 37 CFR 1.137(b) filed on 05 November 2008 was granted.

DISCUSSION

Counsel requests correction of the Filing Receipt to add the line -- and claims benefit of 60/884,536 01/11/2007. – Review of the record reveals that applicants first included reference to 60/884,536 in the Application Data Sheet filed on 29 September 2009, which was filed later than the expiration of the applicable time period under 37 CFR 1.78(a)(5)(ii). As such, a grantable petition under 37 CFR 1.78(a)(6) would be required in order for the requested relief to be granted.

DECISION

Applicants' request is **NOT ACCEPTED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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NEW YORK NY 10008-0770

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DEC 0 9 2009

OFFICE OF PETITIONS

Applicant: Juan Carlos Diaz Rendon, et al.
Appl. No.: 12/299,763
International Filing Date: March 13, 2007
Title: ORTHODONTIC APPARATUS AND DEVICE
Attorney Docket: 02136/0210808-US0
Pub. No.: US 2009/0098500 A1
Pub. Date: April 16, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July April 29, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in Claim 13.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the missing phrase "wherein" in dependent claim 13 contained in the preliminary amendment is not a material Office error in accordance with 37 CFR 1.221(b). The error may be due to the poor quality of the text and amendment as the text is very close together. See 37 CFR 1.52(a)(1)(v), which states that all papers that are to become a permanent part of Office records must be presented "in a form having sufficient clarity and contrast between the paper and the writing to permit . . . electronic capture by use of digital

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

imaging and optical character recognition." However the error is not a material error, since the misprint does not alter the meaning of the text in such a manner to affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/299,817	11/13/2008	Hideki Matsushima	2008_1881A	3110

52349 7590 08/13/2009
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
08/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Wenderoth, Lind & Ponack L.L.P.
1030 15th Street N.W.
Suite 400 East
Washington DC 2005-1503

In re Application of: Hideki MATSUSHIMA
Application No. 12/299,817
Filed: November 13, 2008
For: ELECTRONIC DEVICE, CONTENT REPRODUCTION CONTROL METHOD, PROGRAM, STORAGE MEDIUM, AND INTEGRATED CIRCUIT

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

AUG 13 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 26, 2009, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Hassan Kizou/
Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

August 6, 2009

In re application of Yoshihiro Kameda et al Serial No. 12/299,824 Filed: November 6, 2008 For:. MERCAPTOSALINE BLOCKED WITH VINYL ETHER GROUP (COUPLING AGENT) AND RUBBER COMPOSITION AND PNUEMATIC TIRE USING THE SAME	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 18, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

MAILED

OCT 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Wei-Jun Peng, et al.	:	
Application No. 12/299,853	:	DECISION DISMISSING PETITION
Filed: November 6, 2008	:	UNDER 37 CFR 1.313(a)
Attorney Docket No. 64620A	:	

This is a decision on the petition under 37 CFR 1.313(a), filed September 29, 2009, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on July 15, 2009, with the issue fee being due on or before October 15, 2009. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991.

The matter is being referred to Technology Center AU 1621 for appropriate processing of the RCE filed September 29, 2009, and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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25 MAR 2009

ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

In re Application of SELIC	:	
U.S. Application No.: 12/299,880	:	
PCT Application No.: PCT/EP2007/053283	:	
Int. Filing Date: 04 April 2007	:	DECISION
Priority Date Claimed: 07 April 2006	:	
Attorney Docket No.: 030308-0003	:	
For: PROCESS FOR THE PREPARATION OF	:	
PURE IRBESARTAN	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 06 November 2008.

BACKGROUND

On 04 April 2007, applicant filed international application PCT/EP2007/053283, which claimed priority of an earlier European Patent Office application filed 07 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 18 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 07 October 2008.

On 08 October 2008, international application PCT/EP2007/053283 became abandoned as to the United States for failure to timely pay the basic national fee.

On 06 November 2008, applicant filed the present petition under 37 CFR 1.137(b).

On 13 March 2009, applicant filed an executed declaration.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 March 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 6 JUN 2009

INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
VENERO, et al.	:	
U.S. Application No.: 12/299,907	:	DECISION ON PETITION
PCT No.: PCT/EP2007/053582	:	
Int. Filing Date: 12 April 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 12 May 2006	:	
Attorney Docket No.: 4258-158	:	
For: 4-[(3-FLUOROPHENOXY)PHENYLMETHYL]	:	
....AND PHARMACEUTICAL COMPOSITIONS	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 31 March 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Antonio Toldeo Avello. Applicant has provided payment of the petition fee of $200.00.

BACKGROUND

On 12 April 2007, applicant filed international application PCT/EP2007/053582 which claimed priority to an earlier application filed 12 May 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2008.

On 06 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee; an Application Data Sheet; an Information Disclosure Statement and a preliminary amendment.

On 31 March 2009, applicant filed the present petition under 37 CFR 1.47.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1) and (3).

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided sufficient evidence to support the contention that the inventor cannot be located despite a diligent effort. While applicant has included copies of the internet search results in support of Ms. Rodriguez's declaration the results have not been translated into English. As such, it cannot be concluded that the documents show efforts to located the non-signing inventor.

As to item (4), there is a discrepancy as to the name of the third inventor. The inventor is identified as Mª Carmen Pumar Duran on the published international application but Maria Carmen Pumar Duran on the filed declaration.

For the above reasons it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

15 SEP 2009

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
VENERO, et al.	:	
U.S. Application No.: 12/299,907	:	DECISION ON PETITION
PCT No.: PCT/EP2007/053582	:	
Int. Filing Date: 12 April 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 12 May 2006	:	
Attorney Docket No.: 4258-158	:	
For: 4-[(3-FLUOROPHENOXY)PHENYLMETHYL]	:	
....AND PHARMACEUTICAL COMPOSITIONS	:	

This decision is in response to the applicant's renewed petition under 37 CFR §1.47 (a) filed 26 August 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Antonio Toldeo Avello.

BACKGROUND

On 26 June 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 26 August 2009, applicant filed the present renewed petition under 37 CFR 1.47.

DISCUSSION

As detailed in the decision mailed 26 June 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (3).

With the filing of the renewed petition and supporting exhibits applicant has successfully addressed the issues raised in the previously mailed decision and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 12 April 2007 under 35 U.S.C. 363, and will be given a date of **31 March 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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15 SEP 2009

Mr. Antonio Toledo Avello
Maximo Aguirre, 14
Leioa-Vizcaya, E-48940
SPAIN

In re Application of
VENERO, et al.
U.S. Application No.: 12/299,907
PCT No.: PCT/EP2007/053582
Int. Filing Date: 12 April 2007
Priority Date: 12 May 2006
Attorney Docket No.: 4258-158
For: 4-[(3-FLUOROPHENOXY)PHENYLMETHYL]
....AND PHARMACEUTICAL COMPOSITIONS

Dear Mr. Avello:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK NC 27709
UNITED STATES OF AMERICA

- 8 FEB 2010

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Alexandria, VA 22313-1450
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BUCHANAN INGERSOLL & ROONEY PC
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of :
Renneberg et al. :
Application No.: 12/299,926 :
PCT No.: PCT/DE2007/000824 :
Int. Filing Date: 07 May 2007 : DECISION
Priority Date: 08 May 2006 :
Attorney Docket No.: 080797 :
For: Method For The Coupled Enzyme Immunochemical:
Assay Of Analytes By Means Of Endogenous Cali..:

The petition to revive under 37 CFR 1.137(b) filed on 21 December 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have authorized deducting the petition fee from a Deposit Account. The required reply (in the form of a declaration compliant with 37 CFR 1.497(a) and (b)) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 December 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

17 NOV 2008

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of:	:	
BERGANDT, Heike, et al.	:	DECISION ON PETITION TO
U.S. Application No.: 12/300,054	:	CHANGE INVENTOR'S NAME
PCT No.: PCT/EP2007/054461	:	(37 CFR 1.182)
International Filing Date: 09 May 2007	:	
Priority Date: 14 June 2006	:	
Attorney Docket No.: 325039US0PCT	:	
For: SCRATCH AND ABRASION	:	
RESISTNAT COATINGS ON	:	
POLYMERIC SURFACES	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" filed 07 November 2008. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 09 May 2007, applicants filed international application PCT/EP2007/054461. The application claimed a priority date of 14 June 2006, and it designated the United States. On 21 December 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 December 2008. The published international application identified the second inventor as Liv ULRICH.

On 07 November 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, an executed declaration, an application data sheet (ADS), and the petition considered herein.

The "Petition Under 37 CFR 1.182 To Correct Name Of Inventor" considered herein requests a change in the second inventor's name of record from Liv ULRICH to Liv RANDEWIG, the name by which this inventor is identified in the declaration and ADS filed 07 November 2008.

DISCUSSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

The present petition indicates that the name of the second inventor has changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition "must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a "Declaration of Liv RANDEWIG" in which the inventor confirms that, as a result of marriage, her name was legally changed from Liv ULRICH to Liv RANDEWIG. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Liv ULRICH to Liv RANDEWIG.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Liv ULRICH to Liv RANDEWIG is **GRANTED**.

Based on this correction, the declaration filed on 07 November 2008 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 07 November 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/300,060	11/07/2008	Dan Peters	2815-0372PUS3	5554

2292 7590 03/22/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
COLEMAN, BRENDA LIBBY

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
03/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
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FALLS CHURCH VA 22040-0747

MAR 22 2010

In re Application of	:	
PETERS, DAN et. al.	:	DECISION ON REQUEST TO
Application No. 12/300,060	:	PARTICIPATE IN PATENT
Filed: 11/07/2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 2815-0372PUS3	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 02, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. It is noted that two EPO office actions were listed in the IDS filed on 5/27/2009 and the copies of the office actions have been provided. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

Applicant: Valverde Inchaurraundieta, Santiago
Appl. No.: 12/300,091
International Filing Date: May 10, 2006
Title: LABEL FOR RETURNABLE CONTAINERS
Attorney Docket No.: HERR34.001APC
Pub. No.: US 2009/0158632 A1
Pub. Date: June 25, 2009

COPY MAILED
NOV 04 2009
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 25, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the assignee's name is misprinted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the assignee's name SANTIAGO VALVERDE SAVASA IMPRESORES, S.A. is misprinted as SANTIAGO VALVAERDE DAVASE IMPRESORIES, S.A. may be Office error, but it is not a material Office error under 37 CFR 1.221. Applicant should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. Furthermore, the misprinting of the assignee's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On March 18, 2009, a Filing Receipt was mail by the Office, which incorrectly listed the assignee. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a corrected filing receipt prior to export of the publication to the publisher.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

3 0 JAN 2009

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Alexandria, VA 22313-1450
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-248

In re Application of	:	
KURTH (Deceased)	:	DECISION ON
Application No.: 12/300,130	:	
PCT No.: PCT/EP07/54494	:	REQUEST
Int. Filing Date: 09 May 2007	:	
Priority Date: 10 May 2006	:	UNDER 37 CFR 1.42
Attorney Docket no.: 2006P09537	:	
For: POWER SWITCH, ESPECIALLY HIGH	:	
CURRENT SWITCH	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 10 November 2008.

BACKGROUND

On 10 November 2008, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee, application data sheet and three executed declarations The declarations were executed by the legal representatives of the deceased inventor and by the joint inventor.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for both the deceased inventor and the legal representative. In addition, the declaration must provide the residency and mailing address for both the deceased inventor and the legal representative.

The declarations (PTO/SB/103) submitted on 10 November 2008 identify Wolfgang Kurth and Michael Kleineberg as the legal representatives of the deceased inventor Ralf-Peter Kurth and state the relationship, country of citizenship, residency and mailing address for the legal representatives. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR

1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declarations by the legal representatives for deceased inventor Ralf Peter Kurth submitted on 10 November 2008 are accepted as a proper declarations under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 10 November 2008.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT, PLLC
1875 EYE STREET NW, SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of

Jen-Uwe BUSSER, et *al.*
Application No. 12/300,261
Filed: December 8, 2008
Attorney Docket No. **119010-469**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed May 31, 2010.

The request is **APPROVED**.

A review of the file record indicates that Kevin R. Spivak of Dickinson Wright, PLLC: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Kevin R. Spivak and all attorneys associated with Dickinson Wright, PLLC have been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

All future communications from the Office will continue to be directed to the first copied address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed May 24, 2010 that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER, LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

cc: **NOKIA SIEMENS NETWORKS GMBH & CO, KG**
CTO RTP IPR/PATENT ADMINISTRATION
MUNICH, GERMANY 80240

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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K&L GATES, LLP
P.O. BOX 1135
CHICAGO, IL 60690

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of
Jen-Uwe BUSSER, et *al.*
Application No. 12/300,261
Filed: December 8, 2008
Attorney Docket No. **119010-469**

DECISION ON REQUEST FOR REVOCATION OF POWER OF ATTORNEY

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed May 27, 2010.

The request is **APPROVED**.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed May 24, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER LLP**
P O BOX 2480
HOLLYWOOD FL 33022-2480

0 4 DEC 2008

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KNOBBE MARTENS OLSON & BEAR LLP
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IRVINE CA 92614

In re Application of YE et al.
Application No.: 12/300,333
PCT No.: PCT/CN07/00427
Int. Filing: 07 February 2007
Priority Date: 23 March 2006
Attorney Docket No.:ZBSD1.002APC
For: SMART CARD STORAGE SYSTEM AND FILE MANAGEMENT METHOD THEREIN

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. Applicant is advised that the declaration filed on 10 November 2008 does not appear to be the USPTO Chinese Language Declaration (PTO/SB/101). As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

18 NOV 2008

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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In re Application of:	:	
YE, Xin, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/300,334	:	
PCT No.: PCT/CN2007/000286	:	
International Filing Date: 25 January 2007	:	
Priority Date: 03 April 2006	:	
Atty Docket No.: ZBSD1.003APC	:	
For: EMBEDDED OPERATING SYSTEM OF SMART CARD AND THE METHOD FOR PROCESSING THE TASK	:	

The petition for revival under 37 CFR 1.137(b) filed 10 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 03 October 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the request under 35 U.S.C. 371 from the due date for the required request until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

It is noted that applicants' 10 November 2008 submission included an executed declaration in compliance with 37 CFR 1.497 and a translation of the international application into English.

Pursuant to the authorization to charge required fees contained in the present petition, Deposit Account No. 11-1410 will be charged the $130 processing fee and the $130 surcharge required for filing the English translation and the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 November 2008.

Richard M. Ross
Attorney Advisor
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2 6 FEB 2010

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MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of Pan et al. Application No.: 12/300,346 PCT No.: PCT/EP2007/003284 Int. Filing Date: 13 April 2007 Priority Date: 12 May 2006 Attorney Docket No.: MERCK-3538 For: Indenofluorene Polymer Based Organic Semiconductor Materials	DECISION

This is in response to the refund request filed on 12 March 2009.

BACKGROUND

This international application was filed on 13 April 2007, claimed an earlier priority date of 12 May 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 November 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 12 November 2008. Applicants filed *inter alia* the basic national fee on 11 November 2008.

DISCUSSION

Counsel requests that the $390.00 multiply dependent claims fee be refunded because "this application was filed in the German language, Applicants have not yet filed a preliminary amendment to remove the multiple dependencies..."

Review of the record reveals that the subject international application was published as WO 2007/131582 A1. The publication was in the English language, and the published international application indicates that the international application was also filed in English. Inspection of the claims present in the published international application reveals that claims 1-11 were published, and that multiple dependencies were present. Meanwhile, inspection of the Transmittal Letter filed on 11 November 2008 reveals that it included a general fee authorization. In view of these facts, it does not appear that the USPTO erred in charging the multiply dependent claims fee.

DECISION

The refund request is **REFUSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

27 MAR 2009

Commissioner for Patents
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Oblon, Spivak, McClelland, Maier & Neustadt, PC
1940 Duke Street
Alexandria, VA 22341

In re Application of	:	
ENFRUN et al	:	
Application No.: 12/300,381	:	
PCT No.: PCT/FR2006/01011	:	
Int. Filing Date: 05 May 2006	:	DECISION
Priority Date: None	:	
Atty. Docket No.: 334533US6PCT	:	
For: IMPROVED CARTRIDGE FOR	:	
AN INTRAOCULAR IMPLANT	:	

This is a decision on applicants' "PETITION TO REVIVE UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 11 November 2008. The petition was accompanied by, *inter alia,* the requisite petition fee and the basic national fee. The application also contains a declaration of the inventors, and a translation of the international application. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 05 November 2008 for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b), and that the application satisfies the requirements under 35 U.S.C. 371 for entry into the national stage in the United States.

The application has an international filing date of 05 May 2006, under 35 U.S.C. 363, and a 35 U.S.C. 371(c)(1), (2), and (4) date of **02 February 2009**.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Richard R. Cole
PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON OH 44311-1076

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application	:	
Matthew Freeman	:	DECISION ON PETITION
Application No. 12/300,382	:	TO WITHDRAW
Filed: June 10, 2009	:	FROM RECORD
Attorney Docket No. 201050.00005	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 19, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Hahn Loeser & Parks, LLP, was not appointed power of attorney in this patent application and has only been designated as the correspondence address of record. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

In view of the above, the address of record will remain unchanged.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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NMN

May 21, 2009

In re application of Masakazu Tanahashi et al Serial No. 12/300,383 Filed: November 11, 2008 For: PROCESS FOR PRODUCING CONDUCTIVE SUBSTANCE WITH ION ADSORBED THEREON, METHOD OF REGULATING ION CONCENTRATION, AND ION SUPPLY SOURCE	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed March 11, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

It is noted that the JPO application with similar claims (Japanese Patent Application No. 2007-537056) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2006-133584) and that applicant has not identified the relationship between the JPO application with similar claims and the JPO application from which the U.S. application claims priority. However, based upon a review of the documents filed in Japanese Patent Application No. 2007-537056 via the Dossier Access System, it appears that the present application and Japanese patent Application No. 2007-537056 are both national stage applications of the same PCT which claims priority to Japanese Patent Application No. 2006-133584. It is suggested

that future requests to participate in the Patent Prosecution Highway should clearly explain the relationship between the application with the allowed claims and the priority application if these two applications are not the same.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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0 2 FEB 2009

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Stephen M. Hertzler
NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004

In re Application of	:	
LEFENFELD, et al	:	
Application No.: 12/300,409	:	
PCT No.: PCT/US2007/003874	:	
Int. Filing Date: 13 February 2007	:	PETITION
Priority Date: 13 February 2006	:	
For: METHOD FOR DEPROTECTING ARYL.	:	UNDER 37 CFR 1.137(b)
OR ALKYL SULFONAMIDES OF PRIMARY	:	
OR SECONDARY AMINES	:	
	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 11 November 2008.

BACKGROUND

Applicants filed international application, PCT/US07/003874, on 13 February 2007. The international application became abandoned at midnight on 13 August 2008 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 11 November 2008, applicants filed the present petition under 37 CFR 137(b) to revive the application. The basic national stage fee of $165 accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $810 petition fee has been charged to Deposit Account No. 192380 as authorized by applicants.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497 or the surcharge for filing such oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905)

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Lefenfeld et al.	:	DECISION ON PETITION
Application No. 12/300,409	:	TO WITHDRAW
Filed: May 15, 2009	:	FROM RECORD
Attorney Docket No. 033510-006000	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Stephen M. Hertzler on behalf of all attorneys of record who are associated with customer No. 22204.

All attorneys/agents associated with the Customer Number 22204 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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2 2 FEB 2010

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

In re Application of	:	
SMITH, et al.	:	
U.S. Application No.: 12/300,427	:	DECISION ON PETITION
PCT No.: PCT/US2007/011373	:	
Int. Filing Date: 11 May 2007	:	UNDER 37 CFR 1.47(a)
Priority Date: 11 May 2006	:	
Attorney Docket No.: NOVV-005/-1US 305047-2203	:	
For: NOVEL INFLUENZA M2 VACCINES	:	

This decision is in response to applicant's petition under 37 CFR 1.47 filed 12 February 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 May 2007, applicant filed international application PCT/US2007/011373, which claimed a priority date of 11 May 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 November 2008.

On 11 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a first preliminary amendment..

On 13 July 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 12 February 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a five-month extension of time. The petition under 37 CFR 1.47(a) is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR

1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items.

Regarding item (1), applicant has provided payment of $200.00 petition fee.

As to item (2), as stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature."

Applicant has included a firsthand account and exhibits which show that the non-signing inventor was mailed a complete set of application papers and numerous declarations for execution. Given the proof of his receipt of the papers and non-response, his silence will be considered a refusal for the purposes of proceeding pursuant to 37 CFR 1.47(a).

Regarding item (3), applicant has provided the last known address of the non-signing inventor.

As to item (4), applicant has filed a compliant declaration of the inventors executed by the remaining inventors on their own behalf and on behalf of the non-signing inventor.

Accordingly, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 11 May 2007 under 35 U.S.C. 363, and will be given a date of **12 February 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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P.O. Box 1450
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Mr. Rick Bright
2018 1st Street, NW
Washington, DC 20001

In re Application of
SMITH, et al.
U.S. Application No.: 12/300,427
PCT No.: PCT/US2007/011373
Int. Filing Date: 11 May 2007
Priority Date: 11 May 2006
Attorney Docket No.: NOVV-005/-1US 305047-2203
For: NOVEL INFLUENZA M2 VACCINES

Dear Mr. Bright:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Counsel of Record:
COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

0 3 DEC 2008

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SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA AZ 85201

In re Application of PAING et al. Application No.: 12/300,453 PCT No.: PCT/KR07/00582 Int. Filing: 02 February 2007 Priority Date: 24 March 2006 Attorney Docket No.:SUNG-12504 For: PUMPING DEVICE AND HEIGHT ADJUSTER FOR VEHICLE SEAT	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 11 November 2008.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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Telephone: (571) 272-3286
Facsimile: (571) 273-0459

5 JUN 2009

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01933
FRISHAUF, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
New York, NY 1001-7708

In re Application of
ISHIDA, Shigetoshi
U.S. Application No.: 12/300,560
PCT No.: PCT/JP2007/059628
Int. Filing Date: 10 May 2007
Priority Date: 16 May 2006
Attorney Docket No.: 08671/LH
For: STRATIFIED SCAVENGING TWO-CYCLE ENGINE

DECISION

This decision is in response to the papers filed 01 April 2009 which are treated as a petition under 37 CFR 1.28(c) and **GRANTED** as follows:

In the subject petition, applicant states that they "have been informed by the Japanese attorney for the Applicant, that the above-identified application is a large entity application." Applicant paid small entity fees upon initial entry on 12 November 2008.

37 CFR 1.28(c) states, in part:

> If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error . . . , the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:
>
> (1) *Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (*e.g.*, checks) and itemizations are required for each application or patent. See § 1.4(b).
>
> (2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.
>
> > (i) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other

than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (*e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
(C) The deficiency owed amount (for each fee erroneously paid); and
(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant provided the required itemization (A-D) pursuant to 37 CFR 1.28(c)(2)(ii). The appropriate fees have been charged to Deposit Account No. 06-1378[1] as authorized. This is sufficient to meet the requirements of 37 CFR 1.28(c).

This application will be forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The PTO-2038 form authorizing the charge of $490.00 for deficiencies owed discussed in the subject petition could not be located by the Office of Finance. If these fees were charged to the credit card, applicant should immediately request a refund and submit evidence of these charges.

21 AUG 2009

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Jason Paul DeMont
DeMont & Breyer, LLC
100 Commons Way, Suite 250
Holmdel, NJ 07733

In re Application of BAUER, Elke et al.	:
Application No.: 12/300,576	:
PCT Application No.: PCT/EP2007/004259	:
Int. Filing Date: 14 May 2007	: DECISION ON
Priority Date: 15 May 2006	:
Attorney Docket No.: 9771-143US	: PETITION FOR REFUND
For: OPTIMIZATION OF CELLULAR	:
STRUCTURES ESPECIALLY FOR EXHAUST-	:
CLEANING OF COMBUSTION ASSEMBLIES	:
AND OTHER FIELDS OF APPLICATION	:

This decision is in response to applicant's Request for a Refund pursuant under 37 CFR 1.28(a) and Request for Small Entity Status filed in the United States Patent and Trademark Office (USPTO) on 21 January 2009. Applicants request a refund in the amount of $980, the fees for the basic national fee, national stage examination fee, and national stage search fee.

BACKGROUND

On 12 November 2008, applicant paid the non-small entity fee of $980.

On 21 January 2009, applicant filed an assertion of Small Entity Status pursuant to 37 CFR 1.27(c). In addition, applicant filed a request for refund of the excess amount paid on 12 November 2008.

DISCUSSION

An attorney of record has filed and signed an assertion of small entity status for applicant.

The request for refund is being filed as required by 37 CFR 1.28(a) within three months of the date that the full fee was paid. The fee records of the present application indicate that applicant was already refunded the amount of $980 requested.

CONCLUSION

Applicant has established Small Entity Status pursuant to 37 CFR 1.27(c).

For the reasons detailed above, applicant's request for refund is DISMISSED AS MOOT without prejudice, since the fees have already been refunded.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Leonard Smith
Supervisory PCT Legal Examiner
Office of PCT Legal Administration

2 1 APR 2009

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04372
ARENT FOX LLP
1050 Connecticut Ave., N.W.
Suite 400
Washington, DC 20036

In re Application of VOLLAIRE, Christian U.S. Application No.: 12/300,600 PCT No.: PCT/FR2007/051250 Int. Filing Date: 11 May 2007 Priority Date: 12 May 2006 Docket No.: 021305-00255 For: DEVICE FOR CONVERTING AN ELECTROMAGNETIC WAVE INTO DC VOLTAGE	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 18 February 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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2 3 DEC 2009

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

In re Application of ROHWER et al	:	
U.S. Application No.: 12/300,628	:	
PCT Application No.: PCT/US2007/068813	:	
Int. Filing Date: 11 May 2007	:	
Priority Date Claimed: 12 May 2006	:	DECISION
Attorney Docket No.: 475442001800	:	
For: HIGH-THROUGHPUT METHODS FOR	:	
QUANTIFYING CELLS IN ENVIRONMENTAL	:	
AND LABORATORY SAMPLES	:	

This is in response to the request to withdraw as agent filed 20 October 2009.

BACKGROUND

On 11 May 2007, applicant filed international application PCT/US2007/068813, which claimed priority of an earlier United States application filed 12 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2008.

On 12 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 October 2009, the present request to withdraw as agent was filed.

DISCUSSION

A review of the application file reveals that a valid power of attorney to James Mullen, Gregory Einhorn, or the practitioners associated with Customer Number 25225 was never filed. Because a valid power of attorney is not present, James Mullen and Gregory Einhorn are deemed to have acted in a representative capacity pursuant to 37 CFR 1.34.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. Change in Procedure for Requests to Withdraw from Representation in a Patent Application, 1329 OG 99, 08 April 2008.

CONCLUSION

For the reasons above, the request to withdraw as agent is DISMISSED AS MOOT.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing.

BryanLin
Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

0 7 JAN 2009

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MORRIS MANNING MARTIN LLP
3343 PEACHTREE ROAD, NE
1600 ATLANTA FINANCIAL CENTER
ATLANTA, GA 30326

In re Application of HIROKAWA et al	:	
U.S. Application No.: 12/300,658	:	
PCT Application No.: PCT/JP2007/058304	:	
Int. Filing Date: 17 April 2007	:	
Priority Date Claimed: 25 April 2006	:	
Attorney Docket No.: 20935-68867 NATL	:	
For: EUKARYOTIC AMADORIASE HAVING	:	DECISION
EXCELLENT THERMAL STABILITY, GENE AND	:	
RECOMBINANT DNA FOR THE EUKARYOTIC	:	
AMADORIASE, AND PROCESS FOR	:	
PRODUCTION OF EUKARYOTIC AMADORIASE	:	
HAVING EXCELLENT THERMAL STABILITY	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 November 2008.

BACKGROUND

On 17 April 2007, applicant filed international application PCT/JP2007/058304, which claimed priority of an earlier Japan application filed 25 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 October 2008.

On 26 October 2008, international application PCT/JP2007/058304 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 November 2008, applicant filed the present petition under 37 CFR 1.137(b).

On 06 January 2009, applicant filed an executed declaration.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 17 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 January 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Kratz, Quintos & Hanson, LLP
1420 K Street, N.W.
Suite 400
Washington, D.C. 20005

In re Application of		
TAKASUGI, Katsuji	:	
Application No.: 12/300,700	:	
PCT No.: PCT/JP07/59845	:	
Int. Filing Date: 14 May 2007	:	DECISION
Priority Date: 15 May 2006	:	
Atty. Docket No.: 080475	:	
For: REFRIGERATION APPARATUS	:	

This decision is issued in response to applicant's "Request for Corrected Filing Receipt and Notice of Acceptance" filed on 17 March 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 November 2008, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an English translation of the international application; and a preliminary amendment.

On 29 December 2008, applicant filed an executed declaration of inventorship.

On 28 January 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 13 November 2008 and a 35 U.S.C. 371 completion date of 13 November 2008.

On 17 March 2009, applicant filed "Request for Corrected Filing Receipt and Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 13 November 2008 to 29 December 2008. The actual filing date of the present application is the international filing date, i.e., 14 May 2007. (See 35 U.S.C. 363) The date in the filing date portion on the

filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicant states in their present petition that a declaration and power of attorney was received at the United States Patent and Trademark Office on 29 December 2008. A review of the present application reveals that the declaration and power of attorney filed 29 December 2008 is located therein. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 29 December 2008 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 29 December 2008. Applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 28 January 2009 is hereby **VACATED**.

The application has an international filing date of 14 May 2007 under 35 U.S.C. 363 and a date of 29 December 2008 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 29 December 2008 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 29 December 2008.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony Smith

Anthony Smith
Attorney-Advisor
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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of	:	
Yasunori Chiba, et al.	:	
Application No. 12/300,926	:	DECISION ON PETITION
Filed: November 14, 2008	:	TO WITHDRAW
Attorney Docket No. 081356-0317	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 27, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley & Lardner, LLP has been revoked by the assignee of the patent application on September 4, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, NW
SUITE 800
WASHINGTON, DC 20037

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/300,926	03/03/2009	Yasunori Chiba	081356-0317

CONFIRMATION NO. 4010

POWER OF ATTORNEY NOTICE

22428
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

OC000000037722304

Date Mailed: 09/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/04/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
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WASHINGTON DC 20037

In re Application of	:	
Dupuy-Cornuaille et al.	:	
Application No. 12/300,936	:	
PCT No.: PCT/FR2007/051271	:	
Int. Filing Date: 15 May 2007	:	DECISION
Priority Date: 15 May 2006	:	
Atty. Docket No.: Q110813	:	
For: Novel NaCl Salt Substitute, Its Use And Products Containing Same	:	

This is in response to the petition under 37 CFR 1.182 filed on 29 January 2009.

BACKGROUND

This international application was filed on 15 May 2007, claimed an earliest priority date of 15 May 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 November 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 15 November 2008. Applicants filed, *inter alia*, the basic national fee on 14 November 2008.

DISCUSSION

The correspondence filed on 29 January 2009 seeks to nominate "Camille DUPUY-CORNUAILLE" as an inventor,while the published international application nominates "DUPUY, Camille" instead. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant's name, a petition (and fee) under 37 CFR 1.182 is required. Petitioner has filed such a petition (and fee). Petitioner indicates that the inventor in question "has changed her name and address, due to her change in marital status." In support, petitioner provides a corroborating "Statement..." signed by the inventor. In view of the totality of the evidence now of record, it would be appropriate to accept the change in the inventor's name, to Camille Dupuy-Cornuaille.

It is noted that a declaration under PCT rule 4.17(iv) was filed during the international phase. Inspection of said declaration reveals that it was acceptable for purposes of 37 CFR 1.497(a) and (b). As such, the $130.00 surcharge under 37 CFR 1.492(h)(fee code 1617) was not

required, and it is being refunded to Deposit Account 19-4880 per the authorization included in the instant petition.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the correction of the electronic records of the USPTO to show the changed name of joint inventor Camille Dupuy-Cornuaille. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **14 November 2008**.

/George Dombroske/
George Dombroske
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15 MAY 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of ISHIO et al. Application No.: 12/300,943 PCT No.: PCT/JP07/60219 Int. Filing Date: 18 May 2007 Priority Date: 18 May 2006 Atty Docket No.:334623US0PCT For: ELECTROPHOTOGRAPHIC PHOTOSENSITIVE BODY, METHOD FOR PRODUCING CONDUCTIVE BASE, IMAGE FORMING DEVICE AND ELECTROPHOTOGRAPHIC CARTRIDGE	DECISION ON under 37 CFR 1.497(d)

This is a decision on applicant's' "Petition to Correct Inventorship under 37 CFR 1.497(d)", filed on 18 March 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 14 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 18 March 2009, applicant filed an executed declaration and a "Petition for Correction of Inventorship under 37 CFR 1.497(d)".

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant satisfied Item (2) above with the submission of the petition fee. With respect to Item (1), Petitioner provided a statement from Teruyuki Mitsumori that any error in inventorship occurred without deceptive intention on his part. With regard to Item (3), the Written Consent of the assignee consenting to the deletion of Teruyuki Mitsumori as inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to delete Teruyuki Mitsumori as a co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

A review of the declaration filed on 18 March 2009 reveals that the declaration is in the Japanese and English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. The declaration is not the USPTO form (PTO/SB/106). Nor is the declaration accompanied by a statement that the translation is accurate. Thus, the declaration is unacceptable as filed.

CONCLUSION

The petition under 37 CFR 1.497(d) to delete Teruyuki Mitsumori in the above-captioned application is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing.

Cynthia M. Kratz
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
DA SILVA ROCHA	:	
Application No.: 12/300,969	:	DECISION ON
PCT No.: PCT/ZA2007/000024	:	
Int. Filing Date: 09 May 2007	:	PETITION UNDER
Priority Date: 11 May 2006	:	
Attorney Docket No.: HAHN33.001APC	:	37 CFR 1.137(b)
For: A TEACHING AID	:	

This decision is in response to applicants' submission filed 14 November 2008.

BACKGROUND

On 09 May 2007, applicants filed international application PCT/ZA2007/000024 which designated the U.S. and claimed a priority date of 11 May 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 November 2008 (11 November 2008 being a Federal holiday).

On 14 November 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee , a petition under 37 CFR 1.137(b), and a declaration of the inventor.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basis national fee on 14 November 2008.

As to item (2), applicant submitted the petition fee on 14 November 2008.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 14 November 2008 is in compliance with 37 CFR 1.497(a)-(b).

Fees

The surcharge under 37 CFR 1.492(h) of $65 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 111410.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
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CST

April 3, 2009

In re application of Tatsuyuki Nakatani Serial No. 12/301,003 Filed: November 14, 2008 For: MEDICAL DEVICE HAVING DIAMOND-LIKE THIN FILM AND METHOD FOR MANUFACTURING THEREOF	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 20, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT and TRADEMARK OFFICE

18 FEB 2009

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In re Application of	DECISION ON
TOPCUOGLU, Ali	
Application No.: 12/301,031	
PCT No.: PCT/TR2006/000018	
Int. Filing Date: 4 May 2006	PETITION UNDER
Priority Date: NA	
Attorney's Docket No.: KREU-0301-NUS	
For: FRAME PRODUCED AS ONE-PIECE	
BODY	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 17 November 2008.

BACKGROUND

On 04 May 2006, this international application was filed.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 04 November 2008. This international application became abandoned with respect to the United States at midnight on 04 November 2008 for failure to pay the required basic national fee.

On 17 November 2008, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **17 November 2008.**

Rafael Bacares
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PCT Legal Office
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MAR 3 0 2009

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
11TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA PA 19103-2212

In re Application of	:	
Wyman Chan	:	DECISION ON REQUEST TO
Application No. 12/301,110	:	PARTICIPATE IN PATENT
Filed: November 17, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. S1011/20241	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 30, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the UKIPO application(s);
(3) Examination of the U.S. application has not begun;
(4) Applicant must submit a copy of all the office actions from each of the UKIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request.
(5) Applicant must submit an IDS listing the documents cited by the UKIPO examiner in the UKIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(6) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

05 JAN 2009

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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of Lightford et al. Application No. 12/301,146 PCT No.: PCT/IT2006/000806 Int. Filing Date: 20 November 2006 Priority Date: 05 May 2006 Att. Docket No.: 10500-022 For: Compositions And Methods For Removal Of Asphaltenes From A Portion Of A Wellbore Or Subterranean Formation Using Water-Organic Solvent Emulsion And...	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 17 November 2008 in the above-captioned application is hereby **DISMISSED**, without prejudice.

The instant petition is accompanied by the petition fee and the basic national fee. However, inspection of the petition itself reveals that it is directed toward PCT/US2006/000806, whereas the Transmittal Letter filed on 17 November 2008 is directed toward PCT/EP2006/000806. As such, the statements included in the petition cannot be said to pertain to PCT/EP2006/000806. Therefore, it would not be appropriate to grant the petition on the basis of the present record.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

0 9 JAN 2009

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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of Lightford et al. Application No. 12/301,146 PCT No.: PCT/IT2006/000806 Int. Filing Date: 20 November 2006 Priority Date: 05 May 2006 Att. Docket No.: 10500-022 For: Compositions And Methods For Removal Of Asphaltenes From A Portion Of A Wellbore Or Subterranean Formation Using Water-Organic Solvent Emulsion And...	SUPPLEMENTAL DECISION

The petition to revive under 37 CFR 1.137(b) filed on 17 November 2008 in the above-captioned application is hereby **DISMISSED**, without prejudice.

This supplemental decision corrects typographical errors in the Decision mailed on 05 January 2009.

The instant petition is accompanied by the petition fee and the basic national fee. However, inspection of the petition itself reveals that it is directed toward PCT/US2006/000806, whereas the Transmittal Letter filed on 17 November 2008 is directed toward PCT/IT2006/000806. As such, the statements included in the petition cannot be said to pertain to PCT/IT2006/000806. Therefore, it would not be appropriate to grant the petition on the basis of the present record.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision (the period for response having been re-started as of the mailing date of this supplemental decision). Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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1 9 JUN 2009

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Beusse Wolter Sanks Mora & Maire
390 N. ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

In re Application of :
Lightford et al. :
Application No. 12/301,146 :
PCT No.: PCT/IT2006/000806 :
Int. Filing Date: 20 November 2006 : DECISION
Priority Date: 05 May 2006 :
Att. Docket No.: 10500-022 :
For: Compositions And Methods For Removal :
Of Asphaltenes From A Portion Of A :
Wellbore Or Subterranean Formation Using :
Water-Organic Solvent Emulsion And... :

The petition to revive under 37 CFR 1.137(b) filed on 18 June 2009 in the above-captioned application is hereby **GRANTED**.

In a Decision mailed on 05 January 2009, the petition filed on 17 November 2008 was dismissed because the petition form identified an incorrect international application number. Subsequently, in a Decision mailed on 24 February 2009, the status of this application as the national stage under 35 U.S.C. 371 of PCT/IT2006/000806 was addressed. Petitioner now presents a corrected, complete petition form which identifies PCT/IT2006/000806. Petitioner has stated that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Petitioner requests clarification regarding the fee status of the application. The application as amended includes 42 claims, 3 of which are independent; therefore, extra claims fees for 22 total extra claims ($1144.00) were required. Applicants paid said $1144.00 on 17 November 2008.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 14 April 2009 was mailed prematurely (to the extent that the instant petition had not yet been decided). In addition, the required fee payment shown on the Notification was incorrect, as discussed above. Therefore, said Notification is hereby **VACATED**.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a new Notification of Missing Requirements requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 0 JAN 2009

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Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of	:	
TEEGARDEN et al.	:	
U.S. Application No.: 12/301,180	:	
PCT No.: PCT/US07/11789	:	
Int. Filing Date: 17 May 2007	:	DECISION ON PETITION
Priority Date: 18 May 2006	:	UNDER 37 CFR 1.182
Attorney Docket No.: 20750-0028US1	:	
For: ETHERS, SECONDARY AMINES AND DERIVATIVES THEREOF AS MODULATORS OF THE 5-HT2A SEROTONIN RECEPTOR USEFUL FOR THE TREATMENT OF DISORDERS RELATED THERETO	:	

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" filed 05 December 2008. The petition seeks to correct the bibliographic data (international application number and title of invention) for the national stage application papers filed 17 November 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/US07/11789. The required $400 petition fee has been submitted.

BACKGROUND

On 17 May 2007, applicant filed international application PCT/US07/11789, which claimed a priority date of 18 May 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 November 2008.

On 17 November 2008, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 12/301,180.

The materials filed 17 November 2008 included a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/US07/11789, filed 17 May 2007. The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US07/11810. Thus, applicants' 17 November 2008 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/US07/11789 and

PCT/US07/11810.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US07/11810, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

DISCUSSION

The bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 17 November 2008 can be treated as having been directed to international application PCT/US07/11789, as necessary to avoid abandonment of the international application with respect to the United States.

As noted above, correction of this error is required before the materials filed 17 November 2008 can be treated as having been directed to international application PCT/US07/11789, as necessary to avoid abandonment of the international application with respect to the United States. Here, applicants confirm that the correct international application is PCT/US07/11789 and the petition further states that the correct international application number was listed on the Transmittal Letter and Application Data Sheet filed 17 November 2008. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 17 November 2008 and to permit such materials to be treated as having been directed to international application PCT/US07/11789.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/US07/11789.

The materials filed 17 November 2008 have been assigned U.S. application number 12/301,180, and will be treated as the national stage of PCT/US07/11789.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,317	07/14/2009	Qijie Guo	12258-0226	7440

25267 7590 05/17/2010
BOSE MCKINNEY & EVANS LLP
111 MONUMENT CIRCLE, SUITE 2700
INDIANAPOLIS, IN 46204

EXAMINER
VANOY, TIMOTHY C

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BOSE MCKINNEY & EVANS LLP
111 MONUMENT CIRCLE, SUITE 2700
INDIANAPOLIS IN 46204

Applicant: Guo et al.
Appl. No.: 12/301,317
Filing Date: July 14, 2009
Title: RAPID SYNTHESIS OF TERNARY, BINARY AND MULTINARY CHALCOGENIDE NANOPARTICLES
Attorney Docket No.: 12258-0226
Pub. No.: US 2010/0003187 A1
Pub. Date: January 7, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on January 13, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

05/18/2010 KKING1 00000001 023223 12301317
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of Pelet et al Application No.: 12/301,381 PCT No.: PCT/IB2006/001286 Int. Filing Date: 18 May 2007 Priority Date: 19 May 2006 Attorney's Docket No.: 2742.0030001/TJS/EJH/C-1 For: A COMPOSITION FOR INACTIVATING AN ENVELOPED VIRUS	DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed 24 June 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 18 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 01 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 24 June 2009 a declaration indicating that Francesca A. WALLACH is the legal representative of the deceased inventor, Donald F.H. WALLACH.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Francesca A. WALLACH (legal representative) and the required information for the deceased inventor, Donald F.H. WALLACH.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **24 June 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	SUPPLEMENTAL
Pelet et al	:	
Application No.: 12/301,381	:	DECISION ON
PCT No.: PCT/IB2007/001286	:	
Int. Filing Date: 18 May 2007	:	
Priority Date: 19 May 2006	:	PAPERS FILED
Attorney's Docket No.: 2742.0030001/TJS/EJH/C-1	:	
For: A COMPOSITION FOR INACTIVATING AN	:	
ENVELOPED VIRUS	:	UNDER 37 CFR 1.42

This is a supplemental decision to indicate that the correct international application is PCT/IB2007/001286 and not as listed in the previous decision as PCT/IB2006/001286. A copy of the decision is being re-emailed to applicants based on the decision on the declaration filed 24 June 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 18 November 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 01 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 24 June 2009 a declaration indicating that Francesca A. WALLACH is the legal representative of the deceased inventor, Donald F.H. WALLACH.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Francesca A. WALLACH (legal representative) and the required information for the deceased inventor, Donald F.H. WALLACH.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **24 June 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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900-55 METCALFE STREET
OTTAWA ON K1P 5Y6 CA CANADA

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JAN 07 2010

In re Application of	:	
POPPLEWELL, Peter et al.	:	
Application No. 12/301,388	:	DECISION ON PETITION
Filed: November 18, 2008	:	TO WITHDRAW
Attorney Docket No. **53236-3**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Walters on behalf of all attorneys of record who are associated with customer No. 07380. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Peter Popplewell at the address indicated below.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **PETER POPPLEWELL**
19 PHYLIS STREET
OTTAWA, ONTARIO K2J 1T6
CANADA

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MARK D MILLER
KIMBLE, MACMICHAEL & UPTON
5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704

12/4/08

In re Application of	:	
RICHARDSON, CAROLYN ANNE	:	DECISION ON REQUEST TO
Application No. 12/301,415	:	PARTICIPATE IN PATENT
Filed: Nov. 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 11386.02	:	PILOT PROGRAM AND PETITION
For: POSTURE INDICATOR	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Nov. 18 2008, to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS and a copy of AU patent publications are acknowledged. Accordingly, the above-identified application has been accorded "special" status.

The request to participate in the PPH program and petition fail to include:

An IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents. In particular, petitioner fails to provide an IDS including the IPAU cited prior art patent publications of WO 1991/006082; US 5489260; US 5749838; EP 1452155; US 4991573; US 5105806; NL 1023363 and DE 202004014654 and a copy of said patents or patent publications.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **dismissed**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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MARK D MILLER
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5260 NORTH PALM AVENUE
SUITE 221
FRESNO CA 93704

12/19/08

In re Application of	:	
RICHARDSON, CAROLYN ANNE	:	DECISION ON REQUEST TO
Application No. 12/301,415	:	PARTICIPATE IN PATENT
Filed: Nov. 18, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 11386.02	:	PILOT PROGRAM AND PETITION
For: POSTURE INDICATOR	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Dec. 18, 2008, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS and a copy of AU patent publications are acknowledged. Accordingly, the request to participate in the PPH pilot program and the petition comply with the

above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

2 0 NOV 2008

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TREGO, HINES & LADENHEIM, PLLC
9300 HARRIS CORNERS PARKWAY
SUITE 210
CHARLOTTE NC 28269-3797

In re Application of KLAPTCHUK
Application No.: 12/301,453
PCT No.: PCT/CA07/00601
Int. Filing: 10 April 2007
Priority Date: 10 April 2006
Attorney Docket No.:1082/1US
For: METHOD AND APPARATUS FOR PATHOGENIC AND CHEMICAL REDUCTION IN FLUID WASTE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 18 November 2008.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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15 JAN 2010

26290
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd.
Suite 1500
Houston, TX 77056

In re Application of	:	
NILSSEN, Bjorn H.	:	
U.S. Application No.: 12/301,455	:	
PCT No.: PCT/NO2007/000207	:	
Int. Filing Date: 14 June 2007	:	**DECISION**
Priority Date: 15 June 2006	:	
Docket No.: HAMS/0014	:	
For: PILOT OPERATED CHECK VALVE	:	

This is a decision on the response filed 30 October 2009.

BACKGROUND

On 18 November 2008, applicant filed papers to enter the national stage of PCT/NO2007/000207 which was accompanied by, *inter alia*, an executed declaration. The last name of the inventor was listed as NILSSEN on the declaration. The international publication ("WO 2007/145531") recorded the name as NILSEN.

On 15 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) as the last name of an inventor did not correspond to the spelling on the international publication. Applicant was given two months to respond.

On 30 October 2009, applicant filed the subject response to the Form PCT/DO/EO/905.

DISCUSSION

In the subject response, applicant's state that the "spelling of the inventor's last name was incorrect on the international application but is correctly spelled as "NILSSEN" on the Combined Declaration and Power of Attorney filed in the application."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the last name of the inventor, Bjorn H. NILSSEN.

CONCLUSION

The declaration filed 18 November 2008 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 June 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 November 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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26290
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd.
Suite 1500
Houston, TX 77056

In re Application of
NILSSEN, Bjorn H.
U.S. Application No.: 12/301,455
PCT No.: PCT/NO2007/000207
Int. Filing Date: 14 June 2007
Priority Date: 15 June 2006
Docket No.: HAMS/0014
For: PILOT OPERATED CHECK VALVE

DECISION

This is a decision on the response filed 30 October 2009.

BACKGROUND

On 18 November 2008, applicant filed papers to enter the national stage of PCT/NO2007/000207 which was accompanied by, *inter alia*, an executed declaration. The last name of the inventor was listed as NILSSEN on the declaration. The international publication ("WO 2007/145531") recorded the name as NILSEN.

On 15 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) as the last name of an inventor did not correspond to the spelling on the international publication. Applicant was given two months to respond.

On 30 October 2009, applicant filed the subject response to the Form PCT/DO/EO/905.

DISCUSSION

In the subject response, applicant's state that the "spelling of the inventor's last name was incorrect on the international application but is correctly spelled as "NILSSEN" on the Combined Declaration and Power of Attorney filed in the application."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the last name of the inventor, Bjorn H. NILSSEN.

CONCLUSION

The declaration filed 18 November 2008 is deemed to be in compliance with 37 CFR 1.497(a) and (b).

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 14 June 2007 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 18 November 2008.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON, VA 20171

MAILED

JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Wilson et al.	:	DECISION ON PETITION
Application No. 12/301,491	:	TO WITHDRAW
Filed: May 13, 2009	:	FROM RECORD
Attorney Docket No. AVID-101-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 27, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Matthew T. Latimer, on behalf of all practitioners of record associated with Customer Number 59241

Customer Number 59241 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SAMUEL B. WILSON, AVID LLC
322 FREEDOM BLVD. SUITE C
YORKTOWN, VA 23692

cc: MATTHEW T. LATIMER
13873 PARK CENTER ROAD, SUITE 106
HERNDON, VA 20171

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/301,491	05/13/2009	Samuel B. Wilson	AVID-101-US

CONFIRMATION NO. 8746

POWER OF ATTORNEY NOTICE

59241
LATIMER INTELLECTUAL PROPERTY LAW, LLP
P.O. BOX 711200
HERNDON, VA 20171

OC000000042033848

Date Mailed: 06/10/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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JUL 19 2010

OFFICE OF PETITIONS

THE FARRELL LAW FIRM, LLP
290 BROADHOLLOW ROAD
SUITE 210E
MELVILLE NY 11747

In re Application of	:	
GOUMA, Pelagia-Irene et al.	:	
Application No. 12/301,580	:	DECISION ON PETITION
Filed: November 19, 2008	:	TO WITHDRAW
Attorney Docket No. **788-63 PCT US (R7885)**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 09, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **THE RESEARCH FOUNDATION OF STAT OF NEW YORK**
OFFICE OF TECHNOLOGY AND INDUSTRIAL RELATIONS:
SUNY AT STONY BROOK
STONY BROOK NY 11794-3369

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2 8 MAY 2009

Conley Rose, P.C.
5601 Granite Parkway, Suite 750
Plano,TX 75024

In re Application of BELIAEV et al. Application No.: 12/301,692 PCT No.: PCT/PT2007/000023 Int. Filing Date: 31 May 2007 Priority Date: 31 May 2006 Attorney Docket No.:PAC/26231US (4136-02200) For: NEW CRYSTAL FORMS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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0 3 DEC 2009

Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta GA 30309-3592

In re Application of
SOEGER et al.
U.S. Application No. 12/301,752
PCT No.: PCT/EP2007/003922
Int. Filing Date: 04 May 2007
Priority Date: 31 May 2006
Attorney Docket No.: 034166.088
For: CATALYST FOR REDUCING NITROGEN-CONTAINING POLLUTANTS FROM THE EXHAUST GASES OF DIESEL ENGINES

DECISION

This decision is issued in response to applicants' "Petition to Commissioner under 37 CFR 1.182 for Correcting Application under 35 U.S.C. 371" filed 10 November 2009. The petition seeks to correct the bibliographic data (international application number) for the national stage application papers filed 20 November 2008, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2007/003922. The required $400 petition fee has been submitted.

BACKGROUND

On 20 November 2008, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 12/301,752.

The materials filed 20 November 2008 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/EP2007/003922; (2) a preliminary amendment that identified the application as a national stage of PCT/EP2007/003922; and (3) a fee payment of $900.

The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US2007/003922. Thus,

applicants' 20 November 2008 filing included conflicting instructions that identified the submission as a U.S. national stage of two different international applications: PCT/EP2007/003922 and PCT/US2005/003922.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/003922, the international application number set forth in the bibliographic data provided by applicants when filing the electronic application.

DISCUSSION

As stated above, the bibliographical data provided by applicants incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 20 November 2008 can be treated as having been directed to international application PCT/EP2007/003922, as necessary to avoid abandonment of the international application with respect to the United States.

Here, applicants confirm that the correct international application is PCT/EP2007/003922 and the petition further states that the correct international application number was listed on the Transmittal Letter (Form PTO-1390) filed 20 November 2008. Applicants' present submission included the required petition fee to correct applicants' inadvertent typographical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicants' error in the bibliographical data filed 20 November 2008 and to permit such materials to be treated as having been directed to international application PCT/EP2007/003922.

Based on the above, the declaration filed on 21 May 2009 is no longer defective. The Notification Of A Defective Response (PCT/DO/EO/916) mailed on 08 October 2009 is therefore appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The Notification Of A Defective Response (PCT/DO/EO/916) mailed on 08 October 2009 is hereby **VACATED**.

As requested, the international application number has been corrected and is now associated with PCT/EP2007/003922.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

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APR 16 2009

OFFICE OF PETITIONS

Foley & Lardner, LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

In re Application of	:	
Shuki Binyamin	:	
Application No. 12/301,764	:	DECISION ON PETITION
Effectively filed: November 20, 2008	:	TO WITHDRAW
Attorney Docket No. 091634-0106	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 5, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Keith D. Lindenbaum on behalf of attorney/agents associated with customer number 26371. All attorneys/agents associated with customer number 26371.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed. All future correspondence will be mailed to the address of the inventor.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Shuki Binyamin
Hakfir 148
96952 Jerusalem
ISRAEL

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/301,764	11/20/2008	Shuki Binyamin	091634-0106

CONFIRMATION NO. 1605

POWER OF ATTORNEY NOTICE

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

OC000000035511503

Date Mailed: 04/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/05/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Foley & Lardner, LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306

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APR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Shuki Binyamin	:	
Application No. 12/301,767	:	DECISION ON PETITION
Effectively filed: November 20, 2008	:	TO WITHDRAW
Attorney Docket No. 091634-0107	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 5, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Keith D. Lindenbaum on behalf of attorney/agents associated with customer number 26371. All attorneys/agents associated with customer number 26371.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed. All future correspondence will be mailed to the address of the inventor.

Application No. 12/301,767

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Shuki Binyamin
Hakfir 148
96952 Jerusalem
ISRAEL

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/301,767	11/20/2008	Shuki Binyamin	091634-0107

CONFIRMATION NO. 1615

POWER OF ATTORNEY NOTICE

26371
FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5306

OC000000035511509

Date Mailed: 04/16/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/05/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

2 6 JAN 2009

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of Corkin Application No. 12/301,956 PCT No.: PCT/AU2007/000635 Int. Filing Date: 11 May 2007 Priority Date: 12 May 2006 Att. Docket No.: 2085.013US1 For: Improved Temperature Sensor For An Electric Heating Vessel	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 21 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "Abandonment of this application was unintentional and the entire delay in filing the U.S. National Stage Application from the due date to the date of this Petition was also unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, petitioner is required to promptly notify this Office. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee, and has paid the petition fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/301,962	11/21/2008	Hampden Kuhns	DR106-002	3227

82775 7590 07/02/2010
UNR/DRI Technology Transfer Office
UNR-DRI Technology Transfer Office, Mail Stop 321
Reno, NV 89557

EXAMINER

ART UNIT	PAPER NUMBER
2129	

NOTIFICATION DATE	DELIVERY MODE
07/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ryanah@unr.edu
asferrazzo@unr.edu
lisag@unr.edu

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Alexandria, VA 22313-1450
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UNR/DRI Technology Transfer Office
UNR-DRI Technology Transfer Office, Mail Stop 321
Reno NV 89557

In re Application of	:	
KUHNS, Hampden et al.	:	DECISION ON PETITION
Application No. 12/301,962	:	TO MAKE SPECIAL UNDER
Filed: November 21, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. DRI06-002	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the Technology Center Art Unit 2129 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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05 JAN 2009

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE WA 99201

In re Application of:
HAN, Lei
U.S. Application No.: 12/301,994
PCT No.: PCT/SG2006/00008
International Filing Date: 18 January 2006
Priority Date: None claimed
Atty Docket No.: DR10-020
For: A SYSTEM AND METHOD FOR CONNECTING MARINE BODIES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 21 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/SG2006/00008 became abandoned with respect to the United States at midnight on 18 July 2008 based on applicant's failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee.

In addition, the petition includes statements indicating that the "application was unintentionally abandoned as a result of inadvertently missing the 30 month deadline" and that applicant "made appropriate reasonable efforts to avoid additional delay of entry." The statements in the petition are being construed as the statement required by 37 CFR 1.137(b)(3), that is, a statement that "the entire delay in filing the request under 35 U.S.C. 371 from the due date for the required request until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Based on this interpretation, the requirements of 37 CFR 1.137(b)(3) are considered satisfied. If the above is not a correct interpretation of applicant's statements, then applicant must notify the Office immediately.

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application is appropriately granted.

It is noted that applicant's 21 November 2008 submission included an executed declaration in compliance with 37 CFR 1.497. Applicant has not, however, submitted the $130 surcharge required for filing the declaration later than thirty months after the priority date (the Deposit Account number listed on the Form PTO-1390 filed 21 November 2008, 23-0928, is not valid).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 November 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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30 OCT 2009

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00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

In re Application of :
PERSONN *et al* :
U.S. Application No.: 12/302,055 :
PCT No.: PCT/SE2007/000500 :
Int. Filing Date: 22 May 2007 :
Priority Date: 22 May 2006 : **DECISION**
Attorney Docket No.: 1504-1076 :
For: SYSTEM AND METHOD RELATING :
TO EXAMINATION OF AN OBJECT :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 03 September 2009.

BACKGROUND

On 17 July 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond.

On 03 September 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by the inventors on behalf of the nonsigning inventor; a $200.00 petition fee; a declaration of Mr. Alhoff; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that one of the inventors, Parham Hasemzadeh, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a) in response to the Form PCT/DO/EO/905 mailed 17 July 2009.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed in the petition. A declaration signed by two of the three

named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2), applicants provided a declaration by Fredrik Althoff who states that he sent a copy of the subject application to the nonsigning inventor which was received on 09 June 2009. Mr. Althoff states that no communication has been received. Documentary evidence was provided including a copy of the cover letter and postal receipts with an accompanying English translation.

A review of the evidence shows that a complete copy of the subject application and a copy of the declaration was provided and received by the nonsigning inventor. Moreover, the failure to respond after more than 80 days have passed constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). This is sufficient to satisfy item (2) of 37 CFR 1.47(a).

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is hereby **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 May 2007, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 03 September 2009.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

3 0 OCT 2009

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Parham Hashemzadeh
Gibraltargatan 96
412 79 Göteborg
Sweden

In re Application of :
PERSONN *et al* :
U.S. Application No.: 12/302,055 :
PCT No.: PCT/SE2007/000500 :
Int. Filing Date: 22 May 2007 :
Priority Date: 22 May 2006 : **DECISION**
Attorney Docket No.: 1504-1076 :
For: SYSTEM AND METHOD RELATING :
TO EXAMINATION OF AN OBJECT :

Mr. Hashemzadeh:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

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0 3 DEC 2008

RONALD E. GREIGG
GREIGG & GREIGG P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA VA 22314

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

In re Application of EISENMENGER
Application No.: 12/302,093
PCT No.: PCT/EP07/52551
Int. Filing: 19 March 2007
Priority Date: 10 May 2006
Attorney Docket No.:R314516
For: FUEL INJECTOR COMPRISING A PRESSURE-COMPENSATED CONTROL VALVE

The petition to revive under 37 CFR 1.137(b) filed 24 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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13 AUG 2009

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York NY 10008-0770

In re Application of:	:	
KLIT, Peter, et al.	:	DECISION
U.S. Application No.: 12/302,154	:	
PCT No.: PCT/DK2007/000250	:	
International Filing Date: 30 May 2007	:	
Priority Date: 30 May 2006	:	
Atty Docket No.: 04305/1204693-US1	:	
For: TORSIONAL VIBRATION DAMPER	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 23 April 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 30 May 2007, applicants filed international application PCT/DK2007/000250. The international application claimed a priority date of 30 May 2006, and it designated the United States. On 06 December 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 30 November 2008.

On 24 November 2008, applicant filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 26 March 2008, applicants filed, via the EFS-Web electronic filing system, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date..

On 15 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 21 March 2009 and the "Date Of Completion Of All U.S.C. 371 Requirements" as 26 March 2009. Also on 15 April 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 21 March 2009.

On 23 April 2009, applicants filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date (the request was resubmitted on 29 June 2009 and 27 July 2009).

DISCUSSION

A review of the application file confirms that the executed declaration that completed the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was originally filed herein on 26 March 2009. This filing date is confirmed by the Electronic Acknowledgement Receipt contained in the application file. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" for the present application is therefore 26 March 2009, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 15 April 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 21 March 2009, is appropriately vacated. In addition, the filing receipts mailed on 15 April 2009 and 23 July 2009, both of which incorrectly identified the 35 U.S.C. 371(c) date as 21 March 2009, are also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 26 March 2009.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**. A review of the application file confirms that the executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was filed herein on 26 March 2009.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 15 April 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" as 21 March 2009, and the subsequently mailed filing receipts (both of which incorrectly identified the 35 U.S.C. 371(c) date as 21 March 2009) are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 26 March 2009.

Richard M. Ross
Attorney Advisor
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15 DEC 2008

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza - Fifth Floor
720 Water Street
Toledo, OH 43604

In re Application of Court et al. Application No.: 12/302,172 PCT No.: PCT/GB07/01639 Int. Filing Date: 04 May 2007 Priority Date: 06 May 2006 Attorney Docket No.: 1-50624 For: ELECTRIC MOTOR WINDINGS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

21 MAY 2010

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON DE 19899

In re Application of	:	
Zhang et al.	:	
Application No. 12/302,196	:	
PCT No.: PCT/CN2007/003463	:	
Int. Filing Date: 06 December 2007	:	DECISION
Priority Date: 02 November 2007	:	
Atty. Docket No.: 15454-00002	:	
For: Serum/Plasma Micronas And Uses Thereof	:	

This is in response to the petition under 37 CFR 1.181 filed on 19 March 2010.

BACKGROUND

This international application was filed on 06 December 2007, claimed an earliest priority date of 02 November 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 07 May 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 02 May 2010. Applicants filed *inter alia* the basic national fee on 24 November 2008.

DISCUSSION

Petitioner requests the "expedited issuance of Official Filing Receipt." Review of the application file reveals that a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed on 02 April 2010. As such, the request for relief as specified in the petition is moot.

DECISION

The petition is **DISMISSED AS MOOT**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 SEP 2009

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Richard S. MacMillan
MacMillan Sobanski and Todd LLC
One Maritime Plaza 5th Floor
720 Water Street
Toledo, OH 43604

In re Application of MALCOM, Adam	:
Application No.: 12/302,236	:
PCT Application No.: PCT/US2007/012372	:
Int. Filing Date: 23 May 2006	: DECISION ON
Priority Date: 23 May 2006	:
Attorney Docket No.: 1-28066	: PETITION FOR REVIVAL
For: PERSONAL FLOATATION DEVICE HAVING	:
SELECTIVELY INFLATABLE BLADDERS	: UNDER 37 CFR 1.137(b)
	:
	:

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally - Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 8 July 2009.

BACKGROUND

On 23 May 2006, applicant filed international application PCT/US2007/012372, which claims priority date of 23 May 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 24 November 2008. Accordingly, PCT/US2007/012372 became abandoned at midnight 24 November 2008 for failure to timely pay the basic national fee.

On 24 November 2008, applicant submitted a request for entry into the national stage under 35 U.S.C. 371, but failed to include the payment of the required fees.

On 8 July 2009, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee, an executed Oath, and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee

required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the deposit account 130005 as authorized by applicant.

Regarding item (3) the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being forwarded to the United States Designated Elected Office (DO/EO/US) for further processing.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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CST

June 8, 2009

In re application of Yoshinori KANAGAWA Serial No. 12/302,237 Filed: November 24, 2008 For: MOISTURE-CURABLE POLYURETHANE HOT MELT ADHESIVE AND MULTILAYER SHEET USING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed April 7, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require for an application filed under 35 USC 371:

(1) The U.S. application is a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

In a review of the DAS (Dossier Access System), it appears that there is no other JPO office action other than the Decision to Grant a Patent.

It is noted that the JPO application with similar claims (Japanese Patent Application No. 2008-513421) is not the same application from which the U.S. application claims priority (Japanese Patent Application No. 2006-325683) and that applicant has not identified the relationship between the JPO application with similar claims and the JPO application from which the U.S. application claims priority. However, based upon a review of the documents filed in Japanese Patent Application No. 2008-513421 via the

Dossier Access System, it appears that the present application and Japanese patent Application No. 2008-513421 are both national stage applications of the same PCT which claims priority to Japanese Patent Application No. 2006-1325683. It is suggested that future requests to participate in the Patent Prosecution Highway should clearly explain the relationship between the application with the allowed claims and the priority application if these two applications are not the same.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE CA 92612-7108

MAILED

MAR 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Alastair Simpson et al.	:	
Application No. 12/302,280	:	DECISION ON PETITION
Filed: August 17, 2009	:	TO WITHDRAW
Attorney Docket No. 075264-0030	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 23, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Andrew D. Mickelsen on behalf of attorney/agents associated with customer number 31824. All attorneys/agents associated with customer number 31824 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Alastair Simpson, Icom Ltd.
50 Throwley Way
Sutton, Surrey, United Kingdom
SM1 4BF

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/302,280	08/17/2009	Alastair Simpson	075264-0030

CONFIRMATION NO. 5712

POWER OF ATTORNEY NOTICE

31824
MCDERMOTT WILL & EMERY LLP
18191 VON KARMAN AVE.
SUITE 500
IRVINE, CA 92612-7108

OC000000040386910

Date Mailed: 03/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/23/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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2 6 MAR 2010

John S. Pratt, Esq
Kilpatrick Stockton, LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

In re Application of	:	
TORTI et al.	:	
Application No.: 12/302,382	:	DECISION ON PETITION
PCT No.: PCT/US2007/012492	:	UNDER 37 CFR 1.47(a)
Int. Filing: 25 May 2007	:	
Priority Date: 25 May 2006	:	
Attorney Docket No.: 08077-343801	:	
For: HYPERTHERMIC TECHNOLOGIES AND THERAPEUTIC USES THEREOF	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 16 November 2009 to accept the application without the signature of joint inventors, David Carroll, Omkaram Nalamasu, and Pulickel Ajayan.

BACKGROUND

On 25 May 2007, applicants filed international application PCT/US2007/012492 which claimed a priority date of 25 May 2006. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 25 November 2009.

On 25 November 2008, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 16 April 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 November 2009, applicants filed the present petition under 37 CFR 1.47(a).

On 24 November 2009 and 15 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 16 November 2009.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1) and (3) have been satisfied.

Regarding item (2) above, Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated

> that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

a. David Carroll

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventor, David Carroll. Petitioner states that "Dr. (David) Carroll was out of the country and unavailable to execute the Declaration and Power of Attorney." As stated above, the fact that a non signing inventor is on vacation or temporarily unavailable is not an acceptable reason for filing under 37 CFR 1.47.

b. Omkaram Nalamasu and Pulickel Ajayan

A review of the present petition reveals that petitioner has not satisfied item (2) above, in that the petitioner has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Omkaram Nalamasu and Pulickel Ajayan. Petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventors at their last known address or that Omkaram Nalamasu and Pulickel Ajayan have received the email communication(s). Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Further, the statement regarding the mailing of the 12 October 2009 communication constitutes secondhand knowledge, in that, the mailing to which the petitioner is averring to was conducted by Jamie Viola and Beverly Cervine.

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Omkaram Nalamasu and Pulickel Ajayan, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Lastly, it is unclear whether the petitioner is asserting that the nonsigning inventor (Omkaram Nalamasu and Pulickel Ajayan) has refused to execute the application or cannot be located to execute the application. If Omkaram Nalamasu and Pulickel Ajayan cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

As to Item (4), a review of the 24 November 2009 declaration reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains duplicate sheets of "Page 2." This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

For the above reasons, it would not be appropriate to accept this application without the signature of David Carroll, Omkaram Nalamasu, and Pulickel Ajayan at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) mailed 24 November 2009 and 15 December 2009, are hereby **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

- 1 JUN 2010

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John S. Pratt, Esq
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1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

In re Application of	:	
TORTI et al.	:	
Application No.: 12/302,382	:	DECISION ON PETITION
PCT No.: PCT/US2007/012492	:	UNDER 37 CFR 1.47(a)
Int. Filing: 25 May 2007	:	
Priority Date: 25 May 2006	:	
Attorney Docket No.: 08077-343801	:	
For: HYPERTHERMIC TECHNOLOGIES AND THERAPEUTIC USES THEREOF	:	

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 25 May 2010. In a decision dated 26 March 2010, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, David Carroll, Omkaram Nalamasu, and Pulickel Ajayan, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 25 May 2010 with the present petition was executed by the named inventors, the previous non-signing inventors, David Carroll, Omkaram Nalamasu, and Pulickel Ajayan. The declaration(s) filed 25 May 2010 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 25 May 2007 under 35 U.S.C. 363 and a date of 25 May 2010 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
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Office PCT Legal Administration
Tel: (571) 272-3298

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,467		Mitsugu Nagoya	17252.012001	7307

22511 7590 03/18/2009
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
03/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of: Mitsugu NAGOYA
Application No. 12/302,467
Filed: November 25, 2008
For: **COMMUNICATION MANAGEMENT SYSTEM, COMMUNICATION MANAGEMENT METHOD AND COMMUNICATION CONTROL DEVICE**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 14, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy; b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:

A. Item 2 above. Specifically,

Applicant failed to submit a copy of the allowable/patentable claim(s) from the JPO application(s), An English translation of the allowable/patentable claim(s) and A statement that the English translation is accurate. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

B. Item 3 above. Specifically,

Applicant states that the claims of the US application correspond to claims 1-7 of the JPO application. Since there are more than 7 claims in the instant US application, applicant is required to provide a one-one correspondence between the claims in the instant application, and the corresponding JP application.

C. Item 5 above. Specifically

Applicant failed to submit a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), and a statement that the translation is accurate. The U.S. Patent and Trademark Office does not have the capability to download documents from the Dossier Access System at this time.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan

10 JUN 2009

\United States Patent and Trademark Office

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LAWRENCE BERKELEY NATIONAL LABORATORY
Technology Transfer & Intellectual Property Management
One Cyclotron Road MS 56A-120
BERKELEY CA 94720

In re Application of	:	
Doeff et al.	:	
Application No.: 12/302,476	:	
PCT No.: PCT/US2007/071054	:	
Int. Filing Date: 12 June 2007	:	DECISION
Priority Date: 12 June 2006	:	
Attorney Docket No.: IB-2289	:	
For: Optimization Of Carbon Coatings	:	

This is in response to the power of attorney filed on 10 December 2008.

DISCUSSION

37 CFR 1.36(a) states that a power of attorney may be revoked at any stage in the proceedings of a case by an applicant or assignee. 1329 OG 99, April 8, 2008 discusses revocation and states (in part) that

> If a proper new power of attorney has been submitted in the application or patent revoking all previous powers of attorney, the request to withdraw from representation as practitioner of record will be rendered moot.

Here, assignee has provided a Power of Attorney in favor of the practitioners associated with Customer Number 08076. The Power of Attorney states (in part) that "I hereby revoke all previous powers of attorney given in the above-identified application." The request for revocation of all previous powers of attorney and grant of power of attorney to the attorneys and/or patent agents associated with customer number 08076 was signed on behalf of the assignee of the subject application. A statement under 37 CFR 3.73(b) was also included, which identifies the assignee, refers to the reel and frame numbers where the assignment is recorded, and is signed by Lawrence Edelman, who indicate that he is empowered to act on behalf of the assignee. As such, it would be appropriate to accept the power of attorney filed on 10 December 2008, and change the correspondence address to the address associated with Customer Number 08076.

DECISION

Applicants' request is **GRANTED.**

This application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing. The electronic records to the USPTO have been updated to show the correspondence address and representative status corresponding to Customer Number 08076.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 9 JAN 2009

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84339
The Thompson Law Office, P.C.
831 S. State Street
Lockport, IL 60441

In re Application of :
WARD, Simon Robert :
Application No.: 12/302,501 :
PCT No.: PCT/NZ2007/000126 : **DECISION**
Int. Filing Date: 25 May 2007 :
Priority Date: 26 May 2006 :
Attorney's Docket No.: 080023/001 :
For: CONTAINER TILTING APPARATUS :

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 25 November 2008, applicant filed papers using the EFS-Web system to enter the national stage of PCT/NZ2007/000126 using attorney docket number 080023/001. No fees were paid with this submission. This application was given U.S. application number 12/302,501.

On 26 November 2008, a second set of national stage papers for PCT/NZ2007/000126 was filed using the EFS-Web system using attorney docket number 0800023/001. The second filing was denoted as U.S. application number 12/302,575. Fees totaling $165.00 were provided in the second application.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the national stage were submitted for international application PCT/NZ2007/000126. The end result for an international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refers to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Both filings indicate that the filing is a "U.S. National Stage under 35 USC 371." of PCT/NZ2007/000126. No conflicting instructions appear in the application papers.

Therefore, the submission of two sets of national stage papers to enter the

United States was improper.

CONCLUSION

Both applications will be merged into one national stage application for PCT/NZ2007/000126 denoted as U.S. application No. **12/302,501**.

The $165.00 in fees paid in U.S. application No. 12/302,575 will be merged to U.S. application No. 12/302,501. These fees are within the thirty-month priority date required by 37 CFR 1.495(b)(2).

Applicant must use only U.S. application No. **12/302,501** for all correspondence to the national stage application of PCT/NZ2007/000126. Applicant is advised that U.S. application No. 12/302,575 is no longer a valid U.S. National stage application.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,530	11/26/2008	Hidehiro Yoshida	P35608	8095

52123 7590 09/21/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
09/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/302,530	**: PROSECUTION HIGHWAY**
Filed: 26 November 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35608	**: TO MAKE SPECIAL UNDER**
For: ORGANIC EL DEVICE AND DISPLAY	**: 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 8 July 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1-6 above are considered to have been met. However, the request to participate in the PPH program fails to meet requirement 7. The required petition fee has not been paid.

Applicant is given <u>**ONE**</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Michael Day at (571) 272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/302,530	11/26/2008	Hidehiro Yoshida	P35608	8095

52123 7590 11/19/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
PATEL, NIMESHKUMAR D

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
11/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/302,530	**: PROSECUTION HIGHWAY**
Filed: 26 November 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35608	**: TO MAKE SPECIAL UNDER**
For: ORGANIC EL DEVICE AND DISPLAY	**: 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 8 July 2009, and miscellaneous letter, mail room date 10/06/2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104

In re Application of:
HARTLAUB, Silvio
U.S. Application No.: 12/302,684
PCT No.: PCT/EP2007/002047
International Filing Date: 09 March 2007
Priority Date: 21 April 2006
Atty Docket No.: 139584-0006
For: BACKREST HAVING A HEADREST, VEHICLE SEAT EQUIPPED WITH THE LATTER, AND ASSEMBLY METHOD

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2007/002047 became abandoned with respect to the United States at midnight on 21 October 2008 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

It is noted that applicant's 26 November 2008 submission includes a translation of the international application into English.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing

of a Notification Of Missing Requirements (Form PCT/DO/EO/905). It is noted that applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
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SUITE 300
ANN ARBOR MI 48104

In re Application of	:	
STANZ, et al.	:	
U.S. Application No.: 12/302,727	:	DECISION ON PETITION
PCT No.: PCT/US07/07465	:	
Int. Filing Date: 26 March 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 27 March 2006	:	
Attorney Docket No.: 113601-0336	:	
For: TRANSMISSION DEVICE FOR SEAT	:	
ADJUSTER	:	

The petition to revive under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been provided.

The application has an international filing date of 26 March 2007 under 35 U.S.C. 363 and will be given a date of **26 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
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Seattle Genetics/Fenwick
Silicon Valley Center
801 California Street
Mountain View CA 94041

In re Application of DRACHMAN et al. Application No.: 12/302,743 PCT No.: PCT/US06/47308 Int. Filing: 11 December 2006 Priority Date: 09 December 2005 Attorney Docket No.:14283US For: METHODS OF USING CD40 BINDING AGENTS	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
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PCT Legal Office
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Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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Thompson Hine LLP
Intellectual Property Group
P.O. Box 8801
Dayton, OH 45401-8801

In re Application of SCHLOSSMAN et al. Application No.: 12/302,772 PCT No.: PCT/US06/41417 Int. Filing Date: 23 October 2006 Priority Date: 21 October 2005 Attorney Docket No.: 074822-01301 For: ZINC OXIDE POWER BLENDS, THEIR PRODUCTION AND USE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
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Fax: (571) 273-0459

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2 5 JUN 2009

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HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

In re Application of	:	
GELMETTI	:	
Application No.: 12/302,777	:	
PCT No.: PCT/EP07/02873	:	DECISION ON PETITION
Int. Filing Date: 30 March 2007	:	
Priority Date: 30 March 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: PRINZ S5229	:	
For: RETAINER FOR A WELDING WIRE COIL	:	

The petition to revive under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 30 March 2007 under 35 U.S.C. 363 and will be given a date of **26 November 2008** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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0 8 DEC 2008

Hayes Soloway P.C.
3450 E. Sunrise Drive, Suite 140
Tucson, AZ 85718

In re Application of MAKANSI, Tarek Application No.: 12/302,782 PCT No.: PCT/US07/60871 Int. Filing Date: 22 January 2007 Priority Date: 31 January 2006 Attorney Docket No.: TEMP 06.01 CIP For: CLOSELY SPACED ELECTRODES WITH A UNIFORM GAP	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 26 November 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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BYRNE POH LLP
11 BROADWAY, STE 865
NEW YORK NY 10004

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OFFICE OF PETITIONS

In re Application of	:	
Keromytis et al.	:	
Application No. 12/302,811	:	ON PETITION
Date Deposited: November 28, 2008	:	
Attorney Docket No. 0315120.214-US2	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed June 24, 2009, to change the name of an inventor.

The petition is **GRANTED.**

The name will be changed from Stelios Sidiroglou to Stylianos Sidiroglou.

Petitioner has submitted $130.00 towards the required $400.00 petition fee, thus creating a $270.00 shortage. This shortage will be charged to petitioner's deposit account as authorized June 25, 2009.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition. Additionally, the change requested will be reflected on the Original Filing Receipt when mailed by the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Office of Patent Application Processing.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

25 JUN 2009

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Washington, D.C. 20231
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FREUDENBERG-NOK GENERAL PARTNERSHIP
LEGAL DEPARTMENT
47690 EAST ANCHOR COURT
PLYMOUTH MI 48170-2455

In re Application of	:	
BERDICHEVSKY et al.	:	DECISION ON
Serial No.: 12/302,983	:	
PCT No.: PCT/US07/13441	:	PETITION
Int. Filing Date: 07 June 2007	:	
Priority Date: 07 June 2006	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 06-00036/US1	:	
For: BEARING SEAL	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 23 April 2009 to accept the application without the signature of inventor KEVIN RANDAL COLBY.

BACKGROUND

On 15 April 2009, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 23 April 2009, applicant filed a petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor KEVIN RANDAL COLBY along with a declaration executed by the co-inventor.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Petitioner satisfied Item (1) with the payment of the petition fee. Item (2) is satisfied by the statement of first-hand knowledge by Dolores Aquino, in that the 04 February 2009

communication (copy provided) with inventor KEVIN RANDAL COLBY a complete copy of the application papers were presented to him and via his email communication dated 10 February 2009 (copy provided), he refused to sign the application papers. The non-signing inventor's last known address was provided in the statement satisfying Item (3). Item 4 is satisfied with the declaration, signed by the joint inventors on their behalf and the nonsigning joint inventor, which provides the residence, address and citizenship of the inventors and meets the requirements of 37 CFR 1.497(a) and (b).

Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 23 April 2009. The application has an international filing date of 07 June 2007 under 35 U.S.C. 363, and a date of 23 April 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3286
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

25 JUN 2009

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Alexandria, VA 22313-1450
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KEVIN RANDAL COLBY
160 MEADOW BROOK ROAD
BRIDGEWATER, NH 03222

In re Application of :
BERDICHEVSKY et al. :
Serial No.: 12/302,983 :
PCT No.: PCT/US07/13441 :
Int. Filing Date: 07 June 2007 :
Priority Date: 07 June 2006 :
Atty Docket No.: 06-00036/US1 :
For: BEARING SEAL :

Dear Mr. COLBY:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286

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2 4 FEB 2009

Hamre, Schumann, Mueller & Larson, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902

In re Application of
MANDAL et al.
Application No.: 12/303,021
PCT No.: PCT/IN07/00160
Int. Filing Date: 23 April 2007
Priority Date: 26 April 2006
Attorney Docket No.: 20110.5USWO
For: CONTROLLED RELEASE FORMULATION COMPRISING ANTI-EPILEPTIC DRUGS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 01 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
Voss et al.	:	
Application No.: 12/303,026	:	DECISION
PCT No.: PCT/EP2007/004752	:	
Int. Filing Date: 30 May 2007	:	ON
Priority Date: 01 June 2006	:	
Attorney Docket No.: KUK-08-01	:	PETITION
For: Method For Producing Antimicrobial Or	:	
Antibacterial Glasses Or Glass Ceramics	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 05 May 2009.

BACKGROUND

This international application was filed on 30 May 2007, claimed an earlier priority date of 01 June 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 06 December 2007. The 30 month time period for paying the basic national fee in the United States expired at midnight on 01 December 2008. Applicants filed *inter alia* the basic national fee on 01 December 2008.

On 05 March 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner refers to both 37 CFR 1.47(a) and 37 CFR 1.47(b), but treatment under 37 CFR 1.47(a) is appropriate because at least one of the joint inventors was available to sign, and in fact did sign, the declaration. A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner asserts that Atty. Tobias Kohler "has made several efforts to obtain the signature of the inventor Harald Selig," but also indicates that a "signed declaration by the responsible parties is not yet available to counsel..." Petitioner is required to provide appropriate statement(s) made on the basis of first-hand knowledge, recounting the efforts undertaken to obtain Mr. Selig's execution of the application.

Inspection of the documentation accompanying the petition reveals that it appears to deal principally with assignment and power of attorney issues; the evidence presented does not

clearly appear to show whether Mr. Selig refused to sign an oath or declaration after having been presented with a complete copy of the application papers. Indeed, the letter from Mr. Selig to Mr. Kohler appears to show that he has not been presented with a complete copy of the application and a declaration in his own language, at least as of the date of that letter. Again, an explanatory statement made on the basis of first-hand knowledge would be appropriate.

Regarding **requirement (3)**, the petition provides the last known address of the non-signing inventor. Accordingly, requirement (3) has been satisfied.

Regarding **requirement (4)**, the declaration filed on 05 May 2009 satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 8 SEP 2009

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of	:	
Voss et al.	:	
Application No.: 12/303,026	:	DECISION
PCT No.: PCT/EP2007/004752	:	
Int. Filing Date: 30 May 2007	:	ON
Priority Date: 01 June 2006	:	
Attorney Docket No.: KUK-08-01	:	PETITION
For: Method For Producing Antimicrobial Or	:	
Antibacterial Glasses Or Glass Ceramics	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 01 September 2009.

DISCUSSION

In a Decision mailed on 22 June 2009, the petition under 37 CFR 1.47(a) filed on 05 May 2009 was dismissed, without prejudice, because requirement (2) had not been satisfied. In response, petitioner has provided a "Declaration..." signed by Tobias Kohler, German and English versions of a letter from Mr. Kohler to Mr. Selig, a copy and translation of a postal receipt and a translator's "Certification." The letter refers to the instant application number, and indicates that declaration and assignment documents in both German and English were sent to Mr. Selig on 06 July 2009. However, the record does not include adequate evidence that Mr. Selig was provided with a complete copy of the application papers. MPEP 409.03(d) states in part that

> *A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.*

In view of this policy, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of

time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

1 8 SEP 2009

333

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	DECISION ON
ASPLUND et al	:	
Application No.: 12/303,051	:	
Int. Application: PCT/SE2006/050171	:	
Int. Filing Date: 30 May 2006	:	REQUEST UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 43315-265474	:	
For: THYRISTO CONTROLLED SERIES...	:	
SUB SYNCHRONOUS RESONANCES	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION TO CORRECT INVENTORSHIP," which is being treated as Request under 37 CFR 1.497(d) filed on 24 June 2009, removing co-inventor, Gunnar Asplund, and adding co-inventor Lennart Angquist, in the executed declaration. The $130.00 processing fee has been charged to Deposit Account No. 22-0261.

BACKGROUND

On 30 May 2006, applicants filed international application No. PCT/SE2006/050171.

On 01 December 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 24 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 24 June 2009, applicants filed, inter alia, a request under 37 CFR 1.497(d) and an executed declaration that removes Gunnar Asplund as a co-inventor, who was listed in the international application, and adds Lennart Angquist as a co-inventor.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d), but not item (3).

With respect to item (1), the statements submitted on 24 June 2009 by Gunnar Asplund and Lennart Angquist are sufficient because the statement states that the error in inventorship occurred without deceptive intention.

With respect to item (2), the processing fee of $130.00 has been charged to the Deposit Account No.: 22-0261.

With respect to item (3), ABB Research Ltd., the assignee, has consented to the correction of inventorship to the above application. Although Mr. Franklin states that the assignment was recorded in the USPTO on June 24, 2009 this statement is not sufficient because to establish the right of the Assignees to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Administrative Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT and TRADEMARK OFFICE

12 JAN 2010

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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	DECISION ON
ASPLUND et al	:	
Application No.: 12/303,051	:	
Int. Application: PCT/SE2006/050171	:	
Int. Filing Date: 30 May 2006	:	REQUEST UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 43315-265474	:	
For: THYRISTO CONTROLLED SERIES...	:	
SUB SYNCHRONOUS RESONANCES	:	37 CFR 1.497(d)

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 16 November 2009.

BACKGROUND

In a decision from this Office mailed on 18 September 2009, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 16 November 2009, applicants filed the current renewed request, which included specifying the reel and frame number of the assignment.

DISCUSSION

A review of the renewed request reveals that applicant has satisfied item (3) of 37 CFR 1.497(d) as the assignment has been recorded at reel 022865, frame 0920.

Accordingly, applicants are deemed to satisfy items (1) - (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **24 June 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

1 8 SEP 2009

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	DECISION ON
Heikki SAVIKKO	
Application No.: 12/303,081	
PCT No.: PCT/FI2006/050228	PAPERS FILED
Int. Filing Date: 02 June 2006	
Priority Date: N/A	
Attorney's Docket No.: 2640-0118PUS1	UNDER 37 CFR 1.42
For: PROCEDURE AND APPARATUS...	
UNWANTED GASEOUS	

This is a decision on the declaration filed 25 June 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 01 December 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 27 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 25 June 2009 a declaration indicating that Laurina Heikke is the Administrator (legal representative) of the deceased inventor, Savikko Heikki.

DISCUSSION

The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Larina Heikki (administrator) and the required information for the deceased inventor, Savikko Heikki.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **25 June 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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LAWRENCE EDELMAN, ESQ
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Eric Argentar	:	
Application No. 12/303,113	:	DECISION ON PETITION
Filed: December 1, 2008	:	TO WITHDRAW
Attorney Docket No. 7aa01p/us	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2010.

The request is **APPROVED**.

The request was signed by Lawrence C. Edelman on behalf of the practitioners of record associated with Customer Number 25894.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Eric Argentar at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Eric J. Argentar
4721 Iris Place
Rockville, MD 20853

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/303,113	12/01/2008	Eric Argentar	7aa01p/us

CONFIRMATION NO. 2778

POWER OF ATTORNEY NOTICE

25894
LAWRENCE EDELMAN, ESQ
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

OC000000041311381

Date Mailed: 05/03/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/303,113	12/01/2008	Eric Argentar	7aa01p/us

CONFIRMATION NO. 2778

POA ACCEPTANCE LETTER

Eric J. Argentar
4721 Iris Place
Rockville, MD 20853

OC000000041311389

Date Mailed: 05/03/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/23/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,117	12/02/2008	Yasushi Nakano	01272.145835.	2805

5514 7590 04/26/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
04/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
NAKANO, YASUSHI et al	:	DECISION ON REQUEST TO
Application No. 12/303,117	:	PARTICIPATE IN PATENT
Filed: Dec. 2, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 01272.145835.	:	PROGRAM AND PETITION
For: METHOD FOR LOADING LIQUID, LIQUID CONTAINER AND HEAD CARTRIDGE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 23, 2010, to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, Mr. Greg Huson, Art Unit 3751 at 571-272-4887 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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1 4 AUG 2009

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GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, MAI B482
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK NC 27709-3398

In re Application of	:	DECISION
KUNTZ et al.	:	
Application No.: 12/303,119	:	
PCT No.: PCT/US2007/070108	:	
Int. Filing Date:31 May 2007	:	
Priority Date: 02 June 2006	:	
Attorney Docket No.: PR61993USW	:	
For: NON-CYCLIC SUBSTITUTED	:	
BENZIMIDAZOLE THIOPHENE BENZYL	:	
ETHER COMPOUNDS		

This decision is in response to applicants' petition under 37 CFR 1.48(d) filed on 02 December 2008.

BACKGROUND

On 31 May 2007, applicant filed international application PCT/US2007/070108, which designated the United States and claimed a priority date of 02 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 02 December 2008.

On 02 December 2008, applicant filed a transmittal letter for entry in to the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.48(d).

DISCUSSION

As the instant application is not a provisional application, a petition under 37 CFR 1.48(d) is inapplicable. Additionally, 37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected

> under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

There is no discrepancy between the inventorship listed in the international application and on the declaration of inventors filed 02 December 2008. Accordingly, any petition under 37 CFR 1.497(d) would be inapplicable as well.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.48(d) is **DISMISSED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,156		Shohei Murakami	S157.12-0007	3156

27367 7590 02/10/2009
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
2832	

MAIL DATE	DELIVERY MODE
02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WESTMAN, CHAMPLIN & KELLY, P.A.
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319

In re Application of	**: DECISION ON REQUEST TO**
Shohei Murakami	**: PARTICIPATE IN THE PATENT**
Application No.: 12/303,156	**: PROSECUTION HIGHWAY**
Filed: 02 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: S157.12-0007	**: TO MAKE SPECIAL UNDER**
For: MEMBER FOR PUSH BUTTON SWITCH AND MANUFACTURING METHOD THEREOF	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed 02 December 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

   (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which

PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

        Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1, 2 and 4-7 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 3.

Regarding condition 3, all of the claims in the US application do not sufficiently correspond to the allowed claims in the corresponding JPO application. Claims are considered to "sufficiently correspond" when, accounting for differences due to translations and claim format requirements, the claims are of the same or similar scope. The JPO claims, in light of the extraneous features not found in the US application claims, are not of the same or similar scope. In addition, the claims correspondence table provided is not proper because the listed text of the US application claims is incorrect. The preliminary amendment filed 12/2/08 is not taken into account when the claims are presented in the table.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,156		Shohei Murakami	S157.12-0007	3156

27367 7590 04/01/2009
WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

EXAMINER

ART UNIT	PAPER NUMBER
2832	

MAIL DATE	DELIVERY MODE
04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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WESTMAN, CHAMPLIN & KELLY, P.A.
900 Second Avenue South, Suite 1400
Minneapolis, MN 55402-3319

In re Application of	**: DECISION ON REQUEST TO**
Shohei Murakami	**: PARTICIPATE IN THE PATENT**
Application No.: 12/303,156	**: PROSECUTION HIGHWAY**
Filed: 02 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: S157.12-0007	**: TO MAKE SPECIAL UNDER**
For: MEMBER FOR PUSH BUTTON SWITCH AND MANUFACTURING METHOD THEREOF	**: 37 CFR 1.102(d)**

This is a decision on the 2nd request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 03 March, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

   (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 are now considered to have been met. Therefore, the request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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05 DEC 2008

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
SCHACHTL, et al.	:	
U.S. Application No.: 12/303,197	:	DECISION ON PETITION
PCT No.: PCT/EP07/55028	:	
Int. Filing Date: 23 May 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 24 May 2006	:	
Attorney Docket No.: 17089/037001	:	
For: DEVICE FOR THE TRANSFER OF TORQUE	:	

The petition to revive under 37 CFR 1.137(b) filed 02 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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0 8 DEC 2008

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

In re Application of
UHOV, Andrei
Application No.: 12/303,202
PCT No.: PCT/EP07/04681
Int. Filing Date: 25 May 2007
Priority Date: 01 June 2006
Attorney Docket No.: WZP1-44609
For: METHOD AND DEVICE FOR MEASURING THE CAPACITANCE OF A CAPACITIVE COMPONENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Copied from 12302202 on 04/23/2009

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0 9 JUN 2009

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PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO CA 921

In re Application of	:	
GUALBERTO et al.	:	
Application No.: 12/303,243	:	
PCT No.: PCT/IB07/01483	:	DECISION ON
Int. Filing Date: 29 May 2007	:	
Priority Date: 02 June 2006	:	DECLARATION
Attorney Docket No.:PC33353A	:	
For: CIRCULATING TUMOR CELL ASSAY	:	
	:	

This is a decision on applicants' Declaration, filed on 03 March 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application.

BACKGROUND

On 02 December 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 03 March 2009, applicant filed a seven page declaration, identifying the international application and listing **Luisa Maria Paccagnella** as an inventor("formerly Luisa Maria Roberts"). Luisa Maria Roberts was listed as an inventor in the published international application. Applicant did not provide Form PCT/IB/306 correcting the name of Ms. Roberts to Ms. Paccagnella.

DISCUSSION

Applicant submitted a 7 page declaration. The declaration indicates that it is 3 pages along with a supplemental sheet "page 1 of 1". However, the declaration is comprised of 7 pages. Applicant submitted one Page 1, one Page 2 and two identical Page 3s. Applicant also submitted 3 supplemental sheets-all identified as "Page 1 of 1". The declaration is incomplete as it did not identify all 7 inventors as listed on the published international application. One Page 3 identifies and was executed by inventor Antonio Gualberto; the second Page 3 identifies Madeline I. Repollet. The supplemental sheets are similarly incomplete: one supplemental sheet identifies Maria Luisa Paccagnella (formerly Luisa Maria Roberts) and Carrie L. Melvin; the second supplemental sheet identifies David Chianese, Mark Carla Connely and Leonardus Wendelinus Mathias Marie Terstappen (there are two identical sheets for these inventors-one sheet is executed

by inventors Chianese and Connely; the other executed by inventor Terstappen).

These declarations are unacceptable because they do not identify all seven of the joint inventors as listed on the published international application. A declaration executed by all seven inventors. This declaration must identify the application to which it is directed and identify all inventors, including the citizenship, residency and mailing address of all inventors to meet the requirements of 37 CFR 1.497(a) and (b).

Moreover, it is noted that the declaration is also unacceptable because inventor Luisa Maria Paccagnella was not listed on the published application. Applicant has not indicated that a Request for the Recording of A Change to correct the name of the inventor Luisa Maria Roberts to Luisa Maria Paccagnella as a co-inventor under PCT Rule 92*bis* in PCT/IB07/01483 was filed and granted by the International Bureau prior to the expiration of the 30 month period.

The declaration submitted on 03 March 2009 erroneously identifies **Luisa Maria Paccagnella** as a co-inventor and for the reasons set forth above, the declaration is not in compliance with 37 CFR 1.497(a) and (b). Should applicant wish to correct the inventor's name, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

For the reasons set forth above, the declaration of inventors submitted by applicants on 03 March 2009 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A petition under 37 CFR 1.182 is required to change the inventor's name and a new declaration, in compliance with 37 CFR 1.497(a) and (b), is required.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements in accord with this decision.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459

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29 SEP 2009

PFIZER INC
10555 SCIENCE CENTER DRIVE
SAN DIEGO CA 921

In re Application of	:	
GUALBERTO et al.	:	
Application No.: 12/303,243	:	
PCT No.: PCT/IB07/01483	:	DECISION ON
Int. Filing Date: 29 May 2007	:	
Priority Date: 02 June 2006	:	DECLARATION
Attorney Docket No.:PC33353A	:	
For: CIRCULATING TUMOR CELL ASSAY	:	
	:	

This is a decision applicant's "PETITION UNDER 37 CFR 1.182" to correct inventor's name filed on 29 July 2009 in the United States Patent and Trademark Office (USPTO).

A decision mailed on 09 June 2009 advised applicant that although the published international application PCT/IB07/01483 identified Luisa Maria Roberts as an inventor, the declaration filed on 03 March 2009 identified **Luisa Maria Paccagnella** ("formerly Luisa Maria Roberts") as an inventor. Applicant did not provide Form PCT/IB/306 correcting the name of Ms. Roberts to Ms. Paccagnella. Applicant was further advised that the declarations submitted were unacceptable because they were not in compliance with 37 CFR 1.497(a) and (b).

On 29 July 2009, applicant filed a petition under 37 CFR 1.182 to correct the inventor's name to **Maria Luisa Paccagnella** along with the $400 petition fee. A Statement of the inventor explains that her change in name from Roberts to Paccagnella is though a dissolution of her marriage judgment. The petition under 37 CFR 1.182 to change the respective inventor's name to **Maria Luisa Paccagnella** is **GRANTED**. The newly executed declaration, submitted on 29 July 2009, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 29 July 2009.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571)272-3286
Facsimile: (571)273-0459

2 3 JAN 2009

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

In re Application of FANSELOW et al	:	
U.S. Application No.: 12/303,358	:	
PCT Application No.: PCT/GB2007/001859	:	DECISION
Int. Filing Date: 18 May 2007	:	
Priority Date Claimed: 25 May 2006	:	
Attorney Docket No.: 28193/44411	:	
For: CONVERSION METHOD	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 03 December 2008.

BACKGROUND

On 18 May 2007, applicant filed international application PCT/GB2007/001859, which claimed priority of an earlier European Patent Office application filed 25 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 25 November 2008.

On 26 November 2008, international application PCT/GB2007/001859 became abandoned as to the United States for failure to timely pay the basic national fee.

On 03 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states that "the entire delay in entering the national phase from the deadline for doing so until the filing of this petition pursuant to this paragraph was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.[1]

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] Applicant is advised that the declaration filed on 03 December 2008 does not properly identify the specification to which it is directed in accordance with 37 CFR 1.497(a)(2). See also MPEP 602, Section VI.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,383	12/04/2008	Kozo Nakamura	70404.323/ya	5980

54072 7590 07/21/2010
SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER
KIM, RICHARD H

ART UNIT	PAPER NUMBER
2871	

NOTIFICATION DATE	DELIVERY MODE
07/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JKEATING@KBIPLAW.COM
uspto@kbiplaw.com
pmedley@kbiplaw.com

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SHARP KABUSHIKI KAISHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	
NAKAMURA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/303,383	**: PARTICIPATE IN THE PATENT**
Filed: 04 December 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 70404.323/ya	**: PROGRAM AND PETITION**
For: DISPLAY DEVICE	**: TO MAKE SPECIAL UNDER**
	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 13 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

MAIL

DEC 15 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
OKUDA, TAKUYA	:	DECISION ON REQUEST TO
Application No. 12/303,578	:	PARTICIPATE IN PATENT
Filed: December 05, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 079195-0730	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 05, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

2 1 APR 2009

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MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

In re Application of ASMUNDSSON et al	:	
U.S. Application No.: [redacted] **12303598**	:	
PCT Application No.: PCT/IS2007/000014	:	
Int. Filing Date: 06 June 2007	:	
Priority Date Claimed: 06 June 2006	:	DECISION
Attorney Docket No.: 4952/0176PUS1	:	
For: DATA MINING USING AN INDEX TREE	:	
CREATED BY RECURSIVE PROJECTION	:	
OF DATA POINTS ON RANDOM LINES	:	

This is in response to applicant's petition to correct inventorship under 37 CFR 1.497(d) filed 03 April 2009.

BACKGROUND

On 06 June 2007, applicant filed international application PCT/IS2007/000014, which claimed priority of an earlier Iceland application filed 06 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2008.

On 05 December 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 April 2009, applicant filed the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Laurent Amsaleg should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

With regard to item (1) above, the requisite statement has been provided.

With regard to item (2) above, the requisite processing fee has been provided.

With regard to item (3) above, written consent of the purported assignee has been provided. However, the purported assignee Haskolinn I Reykjavik has not established the right to take action in compliance with 37 CFR 3.73(b). The assignee must present documentary evidence of a chain of title from the inventors to the assignee or specify by reel and frame where such information is recorded in the Office. Although the assignee's statement of assent to the correction of inventorship states that a copy of an assignment is attached, no assignment appears in the application file.

With regard to item (4) above, a new declaration under 37 CFR 1.497(f) is not required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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17 JUN 2009

MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

In re Application of ASMUNDSSON et al	:	
U.S. Application No.: 12/303,598	:	
PCT Application No.: PCT/IS2007/000014	:	
Int. Filing Date: 06 June 2007	:	
Priority Date Claimed: 06 June 2006	:	DECISION
Attorney Docket No.: 4952/0176PUS1	:	
For: DATA MINING USING AN INDEX TREE	:	
CREATED BY RECURSIVE PROJECTION	:	
OF DATA POINTS ON RANDOM LINES	:	

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 12 May 2009.

BACKGROUND

On 06 June 2007, applicant filed international application PCT/IS2007/000014, which claimed priority of an earlier Iceland application filed 06 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2008.

On 05 December 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 April 2009, applicant filed a petition under 37 CFR 1.497(d).

On 21 April 2009, this Office mailed a decision dismissing the 03 April 2009 petition.

On 12 May 2009, applicant filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Laurent Amsaleg should be added as an inventor.

37 CFR 1.497(d) states,

> If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, written consent of the purported assignee has been provided. The purported assignee Haskolinn I Reykjavik has established the right to take action in compliance with 37 CFR 3.73(b) specifying by reel and frame where the assignment is recorded in the Office.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 June 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 April 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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27 JAN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

In re Application of GRAY et al	:	
U.S. Application No.: 12/303,658	:	
PCT Application No.: PCT/US2007/012915	:	
Int. Filing Date: 01 June 2007	:	
Priority Date Claimed: 05 June 2006	:	COMMUNICATION
Attorney Docket No.: SP06-078	:	
For: SINGLE PHASE YTTRIUM PHOSPHATE HAVING THE XENOTIME CRYSTAL STRUCTURE AND METHOD FOR ITS SYNTHESIS	:	

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 01 June 2007, applicant filed international application PCT/US2007/012915, which claimed priority of an earlier United States application filed 05 June 2006. The thirty-month period for paying the basic national fee in the United States expired on 05 December 2008.

On 05 December 2008, applicant filed two different sets of national stage papers in the United States Designated/Elected Office (DO/EO/US). The respective sets of national stage papers were assigned U.S. Application Numbers 12/303,653 and 12/303,658.

DISCUSSION

The end result for an international application designating the United States is a single U.S. national stage application. Therefore, the submission of two different sets of application papers to enter the national stage in the United States was improper.

CONCLUSION

For the reasons above, the serialization of U.S. Application Number 12/303,653 is hereby VACATED.

Applicant should reference U.S. Application Number 12/303,658 in all future correspondence concerning this application.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/303,748	01/22/2009	Ghislain Ambrosius Marcel Borremans	BORR3001 / JEK	9309

23364 7590 06/07/2010
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

EXAMINER
YAN, REN LUO

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	
BORREMANS	**: DECISION ON REQUEST TO**
Application No.: 12/303,748	**: PARTICIPATE IN THE PATENT**
Filed: 22 January 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: BORR3001 / JEK	**: PROGRAM AND PETITION**
For: PROCESS FOR PRINTING AND	**: TO MAKE SPECIAL UNDER**
COATING, AND APPARATUS	**: 37 CFR 1.102(d)**
IMPLEMENTING THE PROCESS	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 26 March 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

09 MAR 2009

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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SCHOPPE, ZIMMERMANN , STOCKELER & ZINKLER
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston VA 20191

In re Application of	:	
KUECK et al.	:	
Application No.: 12/303,979	:	DECISION
PCT No.: PCT/EP2007/002689	:	
Int. Filing Date: 27 March 2007	:	
Priority Date: 05 July 2006	:	
Attorney's Docket No.: 50501.112	:	
For: PUMP ELEMENT AND PUMP HAVING	:	
SUCH A PUMP ELEMENT	:	

This is a decision on applicants' submission filed 30 December 2008 which has properly been treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 09 December 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/JP2007/002689. However, the ADS indicates the international application number as PCT/EP2007/002689.

On 23 December 2008, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/JP2007/002689, reveals that the present application should in fact be the national stage application of international application **PCT/EP2007/002689**.

The declaration of inventors filed 14 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
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PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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·4 SEP 2009

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of	:	
BIGNOZZI et al.	:	DECISION
Application No.: 12/304,069	:	
PCT No.: PCT/IT2006/000450	:	
Int. Filing Date: 14 June 2006	:	
Priority Date: None	:	
Attorney's Docket No.: J1036.0066/P066	:	
For: USE OF NANOMATERIALS . . . THEREWITH	:	

This decision is in response to applicants' submission filed 17 April 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 14 June 2006, applicants filed international application PCT/IT2006/000450 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 December 2008 (14 December 2008 being a Sunday).

On 09 December 2008, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 09 February 2009, applicants filed a declaration of inventors.

On 10 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The NOTIFICATION indicated that the name of the second inventor was different on the international application (Valeria Carinci) than it was on the declaration of inventors filed 26 June 2006 (Francesco Carinci).

On 17 April 2009, applicants filed the instant submission including an explanation of the difference in the name of the second inventor.

On 23 July 2009, the DO/EO/US mailed a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/909) according the application both a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 09 February 2009.

DISCUSSION

The submission filed 17 April 2009 concerning the name of the second inventor explains that inventor's name in the declaration is accurate and that the spelling in the international application is inaccurate. A NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) mailed by the International Bureau on 11 February 2009 confirms this. (This form can be found on the PCT Online File Inspection portion of the WIPO website (http://www.wipo.int/pctdb/en/search-adv.jsp).) This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record.

Declaration of Inventors

The declaration filed 09 February 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

Although the NOTICE OF ACCEPTANCE OF APPLICATION mailed 10 April 2009 was mailed before the petition under 37 CFR 1.181 was decided, it does include the correct 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates and is hereby affirmed.

This application is being forwarded to the Technology Center.

/Daniel Stemmer/

Daniel Stemmer
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,093		Junji NAGASAWA	77792/82	2073

7590 06/09/2009

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
06/09/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

0 3 MAR 2009

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Casimir Jones, S.C.
440 Science Drive
Suite 203
Madison WI 53711

In re Application of	:	
KOH et al.	:	
Application No.: 12/304,190	:	DECISION
PCT No.: PCT/KR2007/002848	:	
Int. Filing Date: 13 June 2007	:	
Priority Date: 14 June 2006	:	
Attorney's Docket No.: HANOL-30738/US-1/PCT	:	
For: GENE FAMILY (LBFL313) ASSOCIATED	:	
WITH PANCREATIC CANCER	:	

This is a decision on applicants' submission filed 23 December 2008 which has properly been treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 10 December 2008, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, an Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/US07/02848. However, the ADS indicates the international application number as PCT/KR2007/002848.

On 23 December 2008, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/US2007/002848, reveals that the present application should in fact be the national stage application of international application **PCT/KR2007/002848**.

The declaration of inventors filed 16 January 2009 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
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2 8 JAN 2009

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

In re Application of RIGNEAULT et al	:	
U.S. Application No.: 12/304,238	:	
PCT Application No.: PCT/FR2007/000898	:	
Int. Filing Date: 30 May 2007	:	DECISION
Priority Date Claimed: 08 June 2006	:	
Attorney Docket No.: 021305-00259	:	
For: INTERFEROMETRIC CONFOCAL	:	
MICROSCOPE	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 10 December 2008.

BACKGROUND

On 30 May 2007, applicant filed international application PCT/FR2007/000898, which claimed priority of an earlier France application filed 08 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 08 December 2008.

On 09 December 2008, international application PCT/FR2007/000898 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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Facsimile: 571-273-0459

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1 2 JUN 2009

Morgan & Finnegan Transition Team
c/o Locke Lord Bissell & Liddell
3 World Financial Center
New York, NY 10281-2101

In re Application of KANG et al. Application No.: 12/304,240 PCT No.: PCT/KR2006/005870 Int. Filing Date: 29 December 2006 Priority Date: 30 December 2005 Attorney Docket No.: 5096-0002 For: VERTICAL FURNACE FOR FABRICATION OF FINE ARTIFICIAL LIGHTWEIGHT AGGREGATES	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 10 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

2 6 MAR 2009

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20575
MARGER JOHNSON & MCCOLLUM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204

In re Application of
KLINGEL, Hans
U.S. Application No.: 12/304,245
PCT No.: PCT/EP2007/055354
Int. Filing Date: 31 May 2007
Priority Date: 10 June 2006
Attorney Docket No.: 7875-0021
For: ASSEMBLY FOR THE PERSON-RELATED FILLING OF MEDICINE DISPENSERS

DECISION

This decision is in response to applicant's "Reconsideration Petition for Corrective Payment of Fees" filed on 29 December 2008 which is treated as a petition under 37 CFR 1.28(c) and **GRANTED** as follows:

In the papers filed 29 December 2008, applicant states that it originally "claimed small entity status without deceptive intent. As of December 29, 2008, the applicant believes it no longer qualifies for small entity status."

37 CFR 1.28(c) states, in part:

> If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, . . . , the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:
>
> (1) *Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (*e.g.*, checks) and itemizations are required for each application or patent. See § 1.4(b).
>
> (2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.
>
> (i) *Calculation of the deficiency owed.* The deficiency owed

for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (*e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
(C) The deficiency owed amount (for each fee erroneously paid); and
(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant provided the required itemization (A-D) pursuant to 37 CFR 1.28(c)(2)(ii). The appropriate fees have been charged to Deposit Account No. 13-1703 as itemized. as authorized. This is sufficient to meet the requirements of 37 CFR 1.28(c).

This application will be forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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17 MAR 2009

22446
ICE MILLER LLP
One American Square, Suite 3100
Indianapolis, IN 46282-0200

In re Application of
KASSAB *et al*
U.S. Application No.: 12/304,246
PCT No.: PCT/US2007/015195
Int. Filing Date: 29 June 2007
Priority Date: 30 June 2006
Docket No.: P01566-US-01 (26259.0066)
For: HOMEOSTATIC TISSUE APPARATUS

DECISION

This decision is in response to the papers filed 19 December 2008 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 10 December 2008, applicants filed papers to enter the national stage using the USPTO EFS-Web system as the national stage of PCT/US2008/015195. The application was processed as the national stage of PCT/US2008/015195 by the USPTO. All other papers filed indicate that the application was intended to be the national stage of PCT/US2007/015195.

On 19 December 2008, applicants filed a petition to change the underlying PCT application in the above-identified national stage application.

DISCUSSION

Applicants petition to correct the PCT number in the above-captioned national stage application to PCT/US2007/015195. This request is treated as a petition under 37 CFR 1.182. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web. The PCT number was listed as PCT/US08/15195 by applicant when filing electronically with the USPTO.

However, all indications on the transmittal letter including the name of the inventors, the title, and the international filing date correspond to PCT/US2007/015195. Similarly, the preliminary amendment refers to the underlying international application as PCT/US2007/015195. WIPO records also indicate that the title of the subject application corresponds to PCT/US2007/015195. Moreover, applicants state in the

instant petition that the PCT number should be PCT/US2007/015195.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/US2007/015195 and that applicants simply made a typographical error upon filing electronically.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/US2007/015195.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

1 6 NOV 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of	:	
RINTANEN, Kari	:	
Application No.: 12/304,260	:	DECISION
PCT No.: PCT/FI2007/050258	:	
Int. Filing Date: 08 May 2007	:	ON PETITION UNDER
Priority Date: 26 May 2006	:	
Docket No.: 203097-0001 (432532)	:	37 CFR 1.137(b)
For: SYSTEM AND METHOD FOR	:	
POSITIONING A GPS DEVICE	:	

Applicant's Petition Under 37 CFR 1.137(b), filed in the above-captioned application on 10 December 2008 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has supplied a declaration of inventorship. However, the declaration contains non-initialed alterations in the signature block of the inventor. MPEP 605.04(a). A new oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required. The fee for late filing of the search fee, examination fee or oath or declaration has been paid.

A proper response is required within **TWO (2) MONTHS** from the mail date of this decision. Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

2 7 JAN 2009

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of GOLDSTEIN et al	:	
U.S. Application No.: 12/304,268	:	
PCT Application No.: PCT/US2006/022181	:	
Int. Filing Date: 06 June 2006	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 57860/Q8	:	
For: IMPROVED CARBON MONOXIDE	:	
CATALYST SYSTEM TO REMOVE CO	:	

This is in response to applicant's "Petition to Revive Under 37 CFR § 1.137(b)" filed 10 December 2008.

BACKGROUND

On 06 June 2006, applicant filed international application PCT/US2006/022181. The thirty-month period for paying the basic national fee in the United States expired on 06 December 2008.

On 07 December 2007, international application PCT/US2006/022181 became abandoned as to the United States for failure to timely pay the basic national fee.

On 10 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The abandonment of this application was the result of unintentional delay." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,362	12/11/2008	Hideki Harada	NOGA-6797	5030

7590 05/04/2009
MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
05/04/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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1 2 JAN 2010

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE DAVIS BROWN TOWER
215 10TH STREET SUITE 1300
DES MOINES, IA 50309

In re Application of SHEN et al	:	
U.S. Application No.: 12/304,398	:	
PCT Application No.: PCT/US2007/011458	:	
Int. Filing Date: 11 May 2007	:	
Priority Date Claimed: 11 May 2006	:	DECISION
Attorney Docket No.: 8747200/6510	:	
For: BROMINATED POLY(2,6-DIPHENYL-1,4-	:	
PHENYLENE OXIDE) AND ITS NANOCOMPOSITES	:	
AS MEMBRANES FOR CO2 SEPARATIONS	:	

This is in response to applicant's correspondence filed 03 November 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 11 May 2007, applicant filed international application PCT/US2007/011458, which claimed priority of an earlier United States application filed 11 May 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2008.

On 12 November 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 04 August 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 October 2009, applicant filed an executed declaration.

On 15 October 2009, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the name of the first inventor.

On 03 November 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The given name of the first inventor is listed on the declaration as "Maciej" but is listed in the published international application as "Marciej".

MPEP 1893.01(e) states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

The present petition states that the discrepancy regarding the first inventor's name was the result of a spelling error in the international application. Applicant's explanation for the error is accepted and deemed a proper notification to the Office under MPEP 1893.01(e).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 11 May 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 05 October 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/304,416		Tomonori Sakai	4386.82676	5387

24978 7590 12/16/2008
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

ART UNIT	PAPER NUMBER
3617	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

DEC 16 2008

Greer, Burns & Crain
300 S Wacker Dr
25th Floor
Chicago, IL 60606

In re application of Tomonori Sakai Application No. 12/304,416 Filed: December 11, 2008 For: PNEUMATIC TIRE, TIRE MOLD AND METHOD OF PRODUCING PNEUMATIC TIRE	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 11, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the preliminary amendment and the IDS filed December 11, 2008, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

It is noted however, that in claim 10, line 4 of the instant application, the claim recites "a tread surface section" instead of "a tread face" as recited in the JPO claims. Then in line 5, claim 10 recites "the tread face", as this would raise an antecedent basis issue with respect to claim language, it is presumed that applicant overlooked the recitation "a tread surface section" and that such recitation should have been amended to recite "a tread face" as is recited in the JPO claims. Furthermore, the claims correspondence table in the petition indicates that explanation regarding the claim correspondence is "self-explanatory". If it was applicant's intent to recite in claim 10 "a tread surface section" then such a recitation would not be self explanatory as "a tread surface section" may encompass subject matter beyond "a tread face."

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 12/15/08

2 3 DEC 2008

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of AMBATI, Jayakrishna Application No.: 12/304,450 PCT No.: PCT/US2007/011718 Int. Filing Date: 15 May 2007 Priority Date: 15 May 2006 Docket No.: 104072.61055US For: TOLL-LIKE RECEPTOR (TLR) STIMULATION FOR OCULAR ANGIOGENESIS AND MACULAR DEGENERATION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 11 December 2008 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration is required.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the fee for late filing of the search fee, examination fee or oath or declaration are required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

27 JAN 2009

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FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

In re Application of MASSIAH	:	
U.S. Application No.: 12/304,468	:	
PCT Application No.: PCT/IL2007/000616	:	
Int. Filing Date: 21 May 2007	:	
Priority Date Claimed: 22 May 2006	:	DECISION
Attorney Docket No.: 7057-X08-064	:	
For: VIDEO AND AUDIO CONTENT ON DEMAND ACCORDING TO TIME OF BROADCAST	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 11 December 2008.

BACKGROUND

On 21 May 2007, applicant filed international application PCT/IL2007/000616, which claimed priority of an earlier United States application filed 22 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 29 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 November 2008.

On 23 November 2008, international application PCT/IL2007/000616 became abandoned as to the United States for failure to timely pay the basic national fee.

On 11 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 May 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 December 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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16 JUN 2009

Fay Sharpe LLP
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland OH 44115

In re Application of GAO et al.
Application No.: 12/304,533
PCT No.: PCT/US06/27205
Int. Filing: 11 July 2006
Priority Date: 11 July 2005
Attorney Docket No.:GLOZ 2 00297
For: LASER LIFT-OFF WITH IMPROVED LIGHT EXTRACTION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of the Notification of Missing Requirements.[1]

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

---

[1] The declaration contains two Page 3s. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. What is required is one declaration where all inventors have signed or separate complete declarations. The requirements of 37 CFR 1.497 (a) and (b) have not yet been met and the declaration is unacceptable as filed.

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DICKINSON WRIGHT, PLLC
1875 EYE STREET NW, SUITE 1200
WASHINGTON, DC 20006

MAILED

JUL 16 2010

OFFICE OF PETITIONS

In re Application of
Guido GENTNER, et *al.*
Application No. 12/304,673
Filed: January 6, 2009
Attorney Docket No. **2006P09540 (NSN)**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 31, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **DICKINSON WRIGHT, PLLC** has been revoked by the assignee of the patent application on May 27, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **LERNER GREENBERG STEMER, LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

2 5 JAN 2010

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Alexandria, VA 22313-1450
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Smith-Hill and Bedell, P.C.
16100 NW Cornell Road, Suite 220
Beaverton, OR 97006

In re Application of	:	
MIETTINEN	:	
Serial No.: 12/304,727	:	DECISION ON PETITION
PCT No.: PCT/FI2006/000218	:	
Int. Filing Date: 30 June 2006	:	UNDER 37 CFR 1.181
Priority Date: None	:	
Attorney Docket No.: LAIN 3834	:	
For: BRIDGE AND METHOD FOR	:	
MANUFACTURING THE BRIDGE	:	

This decision is in response to applicant's "REPLY TO THE NOTICE TO FILE MISSING PARTS" filed 17 November 2009 in the United States Patent and Trademark Office (USPTO). The correspondence is being treated as a petition under 37 CFR 1.181 to assign a 35 U.S.C. 371 date of 12 December 2008. No petition fee is required.

BACKGROUND

On 30 June 2006, applicant filed international application PCT/FI2006/000218. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 December 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2008.

On 12 December 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, payment of the requisite basic national fee; an Information Disclosure Statement; an executed declaration of the inventor and a preliminary amendment.

On 18 September 2009, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to file an executed oath or declaration of the inventor. Applicant was advised that the filed declaration was non-compliant under 37 CFR 1.497 as it was missing the middle name of the inventor. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 12 December 2009, applicant filed a letter with the USPTO stating that the declaration previously submitted complied with 37 CFR 1.497 thus satisfying the requirements of 35 U.S.C. 371 (c)(4). Applicant included a newly executed declaration with the present filing.

DISCUSSION

Applicant is correct that the regulation in question does not require the complete legal name of the inventor but merely requires, pursuant to 37 CFR 1.497(a)(3), identification of all inventors and their country of citizenship. Similarly, 37 CFR 1.63(a)(2) requires that the oath or declaration identify each inventor by full name, including family name, and at least one given name without abbreviation together with any other given name or initial. As such, listing of the inventor's middle name on the declaration was not required for entry into the U.S. National stage. However, a closer examination of the declaration filed 12 December 2008 finds that it is non-compliant for another reason. The declaration does not properly identify the inventor. Specifically, the space for providing the "Full name of sole or first joint inventor" is blank on the declaration. While the inventor did attempt to write his name adjacent to his signature on the line below the printing is too illegible to properly identify the inventor. Therefore, the declaration is not in compliance with 37 CFR 1.497(a)(3).

A review of the declaration currently filed finds that this oversight has been corrected and therefore applicant has not satisfied all elements for entering the U.S. National stage.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application is being returned to the Office of PCT Operations, National Stage Processing for the preparation and mailing of a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date of **17 November 2009**.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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United States Patent and Trademark Office
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP
806 SW BROADWAY
SUITE 600
PORTLAND, OR 97205-3335

COPY MAILED

NOV 03 2009

OFFICE OF PETITIONS

Applicant: Hideaki Ota
Appl. No.: 12/304,744
International Filing Date: June 16, 2006
Title: SOLAR THERMAL POWER GENERATION SYSTEM, HEATING MEDIUM SUPPLY SYSTEM, AND TEMPERATURE FLUCTUATION SUPPRESSING DEVICE
Attorney Docket: ACO08321PCTUS
Pub. No.: US 2009/0165780 A1
Pub. Date: July 2, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 1, 2009 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the title of the invention is missing the first word of the title "Solar".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the title of the invention is missing the first word "Solar" may be an Office error, but it is not a material Office error under 37 CFR 1.221. The error does not affect the understanding of the application. The incomplete title does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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2 2 JAN 2010

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
TAKAHASHI et al	:	
Application No.: 12/304,791	:	
PCT No.: PCT/JP07/56989	:	
Int. Filing Date: 29 March 2007	:	PAPERS FILED
Priority Date: 15 March 2006	:	
Attorney's Docket No.: 335615US0PCT	:	
For: PRODUCTION APPARATUS ...	:	
OF POLYCARBONATE RESIN	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 07 October 2009, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 December 2008, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration was submitted at such time.

On 12 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 07 October 2009, applicants submitted a "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371," which included executed declaration which is signed, *inter alia*, by Kodama MIYAMOTO, Taro MIYAMOTO, Hideo MAYAMOTO, and Hanoe MIYAMOTO legal representatives of the deceased fourth joint inventor Masaaki MIYAMOTO.

DISCUSSION

The executed declaration submitted is signed by Kodama MIYAMOTO, Taro MIYAMOTO, Hideo MAYAMOTO, and Hanoe MIYAMOTO legal representatives of the deceased fourth joint inventor Masaaki MIYAMOTO and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C.§ 371(c)(1), (c)(2), and (c)(4) date of this application as **07 October 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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1 1 SEP 2009

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK NY 10151

In re Application of	:	
DO et al.	:	
Application No.: 12/304,813	:	
PCT No.: PCT/KR07/002729	:	DECISION ON
Int. Filing Date: 05 June 2007	:	
Priority Date: 14 June 2006	:	under 37 CFR 1.497(d)
Atty Docket No.: 930086-2116	:	
For: COMPOSITION FOR	:	
TRANSPLANTATION COMPRISING ADIPOSE	:	
STEM CELLS OR ADIPOCYTES		

This is a decision on applicant's' "Petition to Correct Inventorship under 37 CFR 1.324", filed on 06 July 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 05 May 2009, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 06 July 2009, applicant filed a response along with executed declarations and a "Petition to Correct Inventorship under 37 CFR 1.324".

DISCUSSION

At the outset, it is noted that 37 CFR 1.324 is directed to patents, not applications filed under 35 U.S.C. 371. Thus, a petition under 37 CFR 1.324 does not apply to the instant application. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Applicant seeks to add Byung Rok Do, Byeong Kyu Kim, Ai-Young Lee, Jea Kyung Sung as inventors and delete inventors Un Sang Chang and Hae Kwon Kim. Applicant also requests reordering the names of the inventors.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

With respect to Item (1), Petitioner has provided a statement from each person being added and each person being deleted that any error in inventorship occurred without deceptive intention on their part. Applicant satisfied Item (2) above with the submission of the petition fee.

With regard to Item (3), the Written Consent of the assignees consenting to the addition of Byung Rok Do, Byeong Kyu Kim, Ai-Young Lee, Jea Kyung Sung as inventors and the deletion of inventors Un Sang Chang and Hae Kwon Kim in this application to correct the inventorship under 37 CFR 1.497(d)(3) was provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to add Byung Rok Do, Byeong Kyu Kim, Ai-Young Lee, Jea Kyung Sung as inventors and to delete inventors Un Sang Chang and Hae Kwon Kim as a co-inventors in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

With regard to applicant's request on the order of inventors' names, MPEP section 605.04(f) states as follows: "The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration."

CONCLUSION

The petition under 37 CFR 1.1497(d) to Correct Inventors in the above-captioned application is **GRANTED.** Applicant has met all of the requirements to add Byung Rok Do, Byeong Kyu Kim, Ai-Young Lee, Jea Kyung Sung as inventors and to delete inventors Un Sang Chang and Hae Kwon Kim as a co-inventors in the above-identified international application.

The declaration, executed by the inventors in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 06 July 2009.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
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1 3 MAR 2009

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NIXON & VANDERHYE P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 222303-1808

In re Application of	: DECISION ON
TIBBETS et al	:
Application No.: 12/304,821	:
PCT No.: PCT/GB2007/001634	:
Int. Filing Date: 03 May 2007	: PETITION UNDER
Priority Date: 01 June 2006	:
Attorney's Docket No.: LSN-922-199	:
For: ELECTRICALLY OPERATED HYDRAULIC	:
VALVE	: 37 CFR 1.137(b)

This decision is in response to applicants' "Petition To Revive Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b)," filed on 15 December 2008. The petition fee of

BACKGROUND

On 03 May 2007 , this international application was filed, claiming an earliest priority date of 01 June 2006. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 01 December 2008. This international application became abandoned with respect to the United States at midnight on 01 December 2008 for failure to pay the required basic national fee.

On 15 December 2008, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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1 8 DEC 2008

Patrick A. Hilsmier
Global IP Counselors, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036-2680

In re Application of	:	
Nishimura et al	:	DECISION ON REQUEST TO
Application No. 12/304,883	:	PARTICIPATE IN NEW ROUTE
Filed: December 15, 2008	:	PILOT PROJECT
Int'l filing date: June 22, 2007	:	AND
Attorney Docket No.: DK-US060496	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the New Route pilot project and the petition under 37 CFR 1.102(d), filed December 15, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the New Route pilot project and petition to make special require:

(1) The U.S. application to be a national stage entry of a PCT application filed with the JPO as the PCT receiving Office;
(2) The PCT application must either contain a priority claim to a single priority application filed in the JPO or contain no priority claim;
(3) Where the PCT application contains a priority claim to a single priority application filed in the JPO, a first action on the merits (search and examination results) for the priority application must be available no later than 26 months from the priority date;
(4) Applicant must separately submit the following items at the same time as entry into the national stage of the PCT application in the USPTO:

(a) A request to participate in the New Route pilot project and a petition to make the U.S. national stage application special along with the required petition fee;
(b) Applicant must submit a copy of the claim(s) searched and examined by the JPO along with an English translation thereof;
(c) Applicant must submit a copy of the first office action by the JPO along with an English translation thereof;
(d) A statement that the translations are accurate; and
(e) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action (if appropriate) together with copies of all the documents except U.S. patents or U.S. patent application publications.

The request to participate in the New Route pilot project and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Magdalen Greenlief at 571-272-8140.

All other inquiries concerning the examination or status of the application should be directed to the Technology Center (TC) once the application is assigned to a TC.

Once national stage processing of the above-identified application is complete, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Magdalen Greenlief
Senior Legal Advisor
Office of the Deputy Commissioner for
Patent Examination Policy

- 1 MAR 2010

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SEATTLE WA 98101-2347

In re Application of	:	
Chinowsky et al.	:	
Application No.: 12/304,986	:	DECISION
PCT No.: PCT/US2007/071471	:	
Int. Filing Date: 18 June 2007	:	ON
Priority Date: 16 June 2006	:	
Attorney Docket No.: UWOTL132324	:	PETITION
For: Miniaturized Surface Plasmon	:	
Resonance Imaging System	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 21 January 2010, as well as the correspondence filed on 28 January 2010.

BACKGROUND

This international application was filed on 18 June 2007, claimed an earliest priority date of 16 June 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 December 2008. Applicants filed *inter alia* the basic national fee on 15 December 2008.

On 21 July 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

In the petition filed on 21 January 2010, petitioner requested that the absence of the signature of joint inventor Kyle Johnston be excused pursuant to 37 CFR 1.47(a). However, on 28 January 2010, counsel filed a declaration executed by Mr. Johnston. As such, the petition under 37 CFR 1.47(a) has been rendered MOOT.

Inspection of the declaration filed on 28 January 2010 reveals that Mr. Johnston's mailing address has been altered, but the alteration was not initialed. As such, it would not be appropriate to accept this declaration. Applicants should furnish a declaration newly executed by Mr. Johnston, with the correct data appearing thereon or with any alterations contemporaneously initialed by him.

The Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 18 February 2010 were issued prematurely, and both are hereby **VACATED**.

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**, without prejudice.

A proper response (as described above) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

2 4 DEC 2008

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52473
RATNERPRESTIA
P.O. Box 980
Valley Forge, PA 19482

In re Application of YANG, Yanming U.S. Application No.: 12/305,055 PCT No.: PCT/CN2007/000872 Int. Filing Date: 19 March 2007 Priority Date: 21 March 20064 Docket No.: CSPT-109US For: METHOD FOR ACCESSING A PARENT PAGE WHILE BROWSING WEB PAGES	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 16 December 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 8 JUN 2009

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Themis Law
7660 Fay Ave Ste H535
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In re Application of	:	
MEZZALIRA, Rinaldo (deceased)	:	
Application No.: 12/305,202	:	
PCT No.: PCT/IB2007/051398	:	DECISION ON
Int. Filing Date: 18 April 2007	:	PAPERS UNDER 37 CFR 1.42
Priority Date: 07 July 2006	:	
Attorney Docket No.: 08MAR111	:	
For: INTEGRAL PIPE AND FITTING ASSEMBLY OF POLYMER MATERIAL, AND METHOD OF MAKING SAME	:	

This decision is issued in response to applicants' declaration filed 17 December 2008, which is being treated a request under 37 CFR 1.42.

BACKGROUND

On 18 April 2007, applicants filed international application PCT/IB2007/051398 which claimed a priority date of 18 April 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 January 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 07 January 2009.

On 17 December 2008, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; an application data sheet; and a declaration executed by Alessandro Mezzalira (President of heir FITT S.p.a.).

DISCUSSION

35 U.S.C. 117 states:

> Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the

inventor.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the Manual of Patent Examining Procedure (MPEP) states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

Counsel states that, "Inventor Rinaldo Mezzalira died prior to the filing of the present national stage application. . . FITT Spa is the heir and successor in interest to Mr. Rinaldo Mezzalira for the present international application." It appears that the declaration filed 17 December 2008 has been executed, on behalf of the deceased inventor, by a representative (Alessandro Mezzalira) of FITT S.p.A. If this is the case, a legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved, which indicates that a corporation may be appointed the "legal representative (or heir) of a deceased inventor/individual. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on should be made of record.

In addition, it is noted that 37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Additionally, pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship of the deceased inventor referenced under 37 CFR 1.497(b)(2), the declaration must also provide residence, citizenship, and post office address for the legal representative. The declaration filed on 17 December 2008 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. (See page one of two.) Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is REFUSED.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 6 AUG 2009

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In re Application of
MEZZALIRA, Rinaldo (deceased) :
Application No.: 12/305,202 :
PCT No.: PCT/IB2007/051398 :
Int. Filing Date: 18 April 2007 :
Priority Date: 07 July 2006 :
Attorney Docket No.: 08MAR111 :
For: INTEGRAL PIPE AND FITTING :
ASSEMBLY OF POLYMER MATERIAL, :
AND METHOD OF MAKING SAME

DECISION ON
PAPERS UNDER 37 CFR 1.42

In a decision mailed by this Office on 08 June 2009, the declaration filed by applicant on behalf of deceased inventor Rinaldo MEZZALIRA was dismissed for failure to include all the information required under 37 CFR 1.497.

On 15 June 2009, applicant filed a response to the previous communication that was accompanied by a newly executed declaration. The declaration submitted on 15 June 2009 identifies the deceased inventor and states the deceased inventor's country of citizenship. Additionally, the declaration is signed by Alessandro MEZZALIRA as "Legal Representative," states his relationship to the deceased (i.e., Legal Representative), and provides the Legal Representative's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is <u>GRANTED</u>.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
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Tel: (571) 272-3298
Fax: (571) 273-0459

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2 8 JAN 2009

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ORANGEBURG, NY 10962-2100

In re Application of FRANC et al	:	
U.S. Application No.: 12/305,308	:	
PCT Application No.: PCT/CZ2007/000060	:	
Int. Filing Date: 20 June 2007	:	
Priority Date Claimed: 20 June 2006	:	DECISION
Attorney Docket No.: J187-042 US	:	
For: PHARMACEUTICAL COMPOSITION FOR	:	
INJECTIONAL, PARTICULARLY TARGETED	:	
LOCAL ADMINISTRATION	:	

This is in response to applicant's "Petition to Accept National Phase Papers Under 37 C.F.R. §1.182" filed 18 December 2008.

BACKGROUND

On 20 June 2007, applicant filed international application PCT/CZ2007/000060, which claimed priority of an earlier Czech Republic application filed 20 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 27 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 20 December 2008.

On 17 December 2008, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 December 2008, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that documents relating to an incorrect PCT application were inadvertently filed with the national stage submission of 17 December 2008. A review of the application file reveals that the correct international application number PCT/CZ2007/000060 was

entered into the EFS-Web user interface. Applicant's explanation for the error is accepted. The documents relating to international application number PCT/CZ2007/000060 have been entered.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
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PCT Legal Office

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2 4 MAR 2009

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

In re Application of MYHREN et al	:	
U.S. Application No.: 12/305,338	:	
PCT Application No.: PCT/NO2006/000469	:	
Int. Filing Date: 07 December 2006	:	DECISION
Priority Date Claimed: 08 December 2005	:	
Attorney Docket No.: 01702.403301	:	
For: DIOXOLANE DERIVATIVES FOR THE	:	
TREATMENT OF CANCER	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 December 2008.

BACKGROUND

On 07 December 2006, applicant filed international application PCT/NO2006/000469, which claimed priority of an earlier Norway application filed 08 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 14 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2008.

On 09 June 2008, international application PCT/NO2006/000469 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:	:	
NIEUWENHUIS, Jeroen, Hans, et al.	:	DECISION
U.S. Application No.: 12/305,384	:	
PCT No.: PCT/IB2007/052327	:	
International Filing Date: 18 June 2007	:	
Claimed Priority Date: 28 June 2006	:	
Attorney's Docket No.: 005903US1	:	
For: MAGNETIC SENSOR DEVICE WITH	:	
FIELD GENERATORS AND SENSOR	:	
ELEMENTS	:	

This decision is issued in response to applicants' "Petition To Correct Second Inventor's Name Under 37 CFR 1.182" filed 03 November 2009. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 15 October 2009. The communication stated that a grantable petition under 37 CFR 1.182 to correct the second inventor's name of record was required before the declaration filed 18 December 2008 could be accepted under 37 CFR 1.497.

On 03 November 2009, applicants filed the "Petition To Correct Second Inventor's Name Under 37 CFR 1.182" considered herein.

DISCUSSSION

As set forth in the previous communication, in order to correct the name of record for the second inventor to correspond with the name listed on the filed declaration, a grantable petition under 37 CFR 1.182 is required. The communication set forth the requirements for such a petition, specifically, payment of the applicable $400 petition fee and a statement from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name (such statements confirming the correct name of the inventor, explaining how the discrepancy in the inventor's name occurred, and stating that the discrepancy occurred without deceptive intent).

The present petition under 37 CFR 1.182 included payment of the required petition fee and a statement from counsel confirming the correct name of the inventor and stating that the

error in the international application was made inadvertently and without deceptive intent. However, the petition does not include the required statement from the inventor whose name is being corrected (i.e., Hans Van Zon) confirming these facts and expressly stating that the error occurred without deceptive intent. Applicants have therefore failed to provide all the requirements of a grantable petition.

Based on the above, the name of record for the second inventor remains Hans ZON. The declaration filed on 18 December 2008, which identifies this inventor as Hans VAN ZON, therefore remains defective for failure to properly identify the inventors of record herein.

CONCLUSION

Applicants' petition under 37 CFR 1.82 to change the name of record for the second inventor is **DISMISSED** without prejudice.

If applicants seek reconsideration on the merits, a request for reconsideration must be filed within **TWO (2) MONTHS** of the mail date of this decision. Any such submission should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182" and the materials necessary to satisfy the outstanding requirement of a grantable petition under 37 CFR 1.182, that is, a statement from inventor Hans VAN ZON confirming his correct name and stating that the error in his name listed on the international application occurred without deceptive intent.

Extensions of time are available under 37 CFR 1.136(a). Failure to file a proper and timely response will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 2 FEB 2010

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:	:	
NIEUWENHUIS, Jeroen, Hans, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/305,384	:	PETITION
PCT No.: PCT/IB2007/052327	:	
International Filing Date: 18 June 2007	:	
Claimed Priority Date: 28 June 2006	:	
Attorney's Docket No.: 005903US1	:	
For: MAGNETIC SENSOR DEVICE WITH	:	
FIELD GENERATORS AND SENSOR	:	
ELEMENTS	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.182" filed 29 January 2010. Applicants have paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the communication mailed 15 October 2009 and the decision mailed 29 December 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.182 to correct the second inventor's name of record for failure to include all requirements of a grantable petition. Specifically, the petition did not include a statement from the inventor whose name was to be changed.

On 29 January 2010, applicants filed the "Renewed Petition Under 37 CFR 1.182" considered herein.

DISCUSSSION

The renewed petition includes the required statement from inventor Hans Van Zon confirming his correct name and stating that the error in the international application did not involve deceptive intent. Applicants have therefore now satisfied the final requirement for a grantable petition to correct the name of the inventor under 37 CFR 1.182.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 to change the name of record for the fourth inventor from Hans Zon to Hans Von Zon is **GRANTED**.

In view of this correction, the complete declaration documents filed on 18 December 2008 are acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 December 2008.

Richard M. Ross
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SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of	:	
Kaundun	:	
Application No.: 12/305,506	:	
PCT No.: PCT/GB2007/002352	:	
Int. Filing Date: 25 June 2007	:	DECISION
Priority Date: 27 June 2006	:	
Attorney Docket No.: 70889	:	
For: PCR Screening Method	:	

This is in response to the petition under 37 CFR 1.182 filed on 14 January 2009.

DISCUSSION

In a Notification mailed on 09 January 2009, applicants were advised of the presence of a discrepancy in the international application number on the Electronic Acknowledgment Receipt as opposed to the ADS and Transmittal Letter. Applicants were advised to file a petition under 37 CFR 1.182 to resolve said discrepancy.

In response, petitioner clarifies that the "instant application, US Serial No. 12/305,506, is a national stage entry of International Application No. PCT/GB2007/002352. However, during the electronic filing of the application, the International Application number, PCT/GB2007/002353, was erroneously entered as the international Application number." In view of the totality of the evidence now present in this case, it would be appropriate to accept petitioner's statement that this application was intended as the national stage of PCT/GB2007/002352.

The $400.00 petition fee (fee code 1462) is being charged to Deposit Account 50-1676 per the authorization included in the petition.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing for further processing as the national stage under 35 U.S.C. 371 of PCT/GB2007/002352. This processing will include the removal from the application file of the documents pertaining to the other (incorrect) international application number, PCT/GB2007/002353. The processing will also include the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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0 2 JUL 2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of SRINIVASAN et al. Application No.: 12/305,523 PCT No.: PCT/SG07/00175 Int. Filing Date: 22 June 2007 Priority Date: 22 June 2006 Attorney Docket No.: 2577-176 For: METHOD OF SCREENING ANTIBACTERIAL DRUG COMPOUNDS	DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on applicant's "Petition for Correction of Inventorship Statement Pursuant to 37 CFR 1.48(a)", filed in the United States Patent and Trademark Office (USPTO) on 22 April 2009 in the above referenced application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 18 December 2008, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(h); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Maki Hori, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). Applicant also filed an executed declaration. A review of the application file reveals that the petition fee of $130 was paid. Applicant also

submitted the written consent of the assignee to add Maki Hori as an inventor.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Maki Hori as an inventor in the above-identified international application.

The declaration filed on 22 April 2009 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address. The $130 surcharge for filing the declaration after the thirty month period is charged to applicant's deposit account per his authorization.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Maki Hori is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The $130 surcharge for filing the declaration after the thirty month period is charged to applicant's deposit account. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **22 April 2009.**

Cynthia M. Kratz
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05 FEB 2009

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FOX ROTHSCHILD LLP
2000 MARKET STREET
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PHILADELPHIA PA 19103

In re Application of	:	
Scherer et al.	:	
Application No. 12/305,576	:	
PCT No.: PCT/EP2007/004908	:	
Int. Filing Date: 02 June 2007	:	DECISION
Priority Date: 13 June 2006	:	
Att. Docket No.: C3149 PCT/US	:	
For: Lubricant Compounds Containing	:	
Complex Esters	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The petition fee has been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed under PCT Rule 4.17(iv) during the international phase is acceptable for purposes of 37 CFR 1.497(a) and (b). However, the surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i) are required. The $130.00 surcharge (fee code 1617)and $130.00 processing fee (fee code 1618) are being charged to Deposit Account 50-1943 in accordance with the authorization shown on the Electronic Acknowledgment Receipt dated 18 December 2008.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **18 December 2008.**

/George Dombroske/
George Dombroske
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MORRISON & FOERSTER LLP
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SAN FRANCISCO, CA 94105-2482

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FEB 23 2010

OFFICE OF PETITIONS

In re Application of
Per Ove Öhman
Application No. 12/305,630
Filed: April 14, 2009
Attorney Docket No. **3044379 US01**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed October 30, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 20872 has been revoked by the applicants of the patent application on January 27, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Hiscock & Barclay, LLP
One Park Place
300 South State Street
Syracuse NY 13202-2078

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

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FEB 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Kurn et al.	:	
Application No. 12/305,633	:	ON PETITION
Filed: July 6, 2009	:	
Attorney Docket No. 25115-717.831	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 4, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form)by the applicant's attorney that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1634 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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SUITE 2200
MONTREAL QC H3A 3H3 CA CANADA

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JUL 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Bohle et al.	:	DECISION ON PETITION
Application No. 12/305,672	:	TO WITHDRAW
Filed: December 19, 2008	:	FROM RECORD
Attorney Docket No. 780/11168.346	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 29, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. C/O: Christian Cawthorn – Ogilvy Renault, is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71 As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/305,796	12/19/2008	Hidehiro Yoshida	P35703	7781

52123 7590 09/22/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
09/22/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/305,796	**: PROSECUTION HIGHWAY**
Filed: 19 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35703	**: TO MAKE SPECIAL UNDER**
For: ORGANIC ELEMENT AND MANUFACTURING METHOD THEREOF	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 20 April 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH pilot program and petition is assessed as follows:

Conditions 1, 2 and 4-7 above are considered to have been met.
However the request to participate in the PPH program fails to meet condition 3.

Regarding condition 3, Petitioner has not amended all the claims of the U.S. application to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

Claim 1, line 3, recites "anode electrodes" (plural) and line 10 recites "cathode electrodes" (plural), while the corresponding claim 1 of the JPO application only requires "an anode electrode" and "a cathode electrode" (singular).

Claim 2, lines 2 and 4 and **claim 3**, lines 2 and 5, recite "films" (plural), while the corresponding claims of the JPO application recites "film" (singular).

Claim 9, lines 3 and 5, recite "anode electrodes" (plural) and line 12 recites "cathode electrodes" (plural), while the corresponding claim 8 of the JPO application recites "an anode electrode" and "a cathode electrode" (singular).

Claim 11, line 2, recites "anode electrodes" (plural), while corresponding claim 10 of the JPO application recites "anode electrode" (singular).

Claim 14, line 3, recites "anode electrodes" (plural) and line 13 recites "cathode electrodes" (plural), while corresponding claim 13 of the JPO application recites "an anode electrode" and "a cathode electrode" (singular).

The lack of correspondence between plural and singular recitations of claim elements represents difference of claim scope.

Claim 19, line 3, recites "a bank" (singular), while corresponding claim 18 of the JPO application recites "banks" (plural). The lack of correspondence between the singular and plural recitations of claim elements represents a difference of claim scope.

Also, **claim 19**, lines 4-5, recite "of the fluorine resin". Corresponding claim 18 of the JPO application does not contain this claim limitation.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at (571) 272- 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/305,796	12/19/2008	Hidehiro Yoshida	P35703	7781

52123 7590 01/14/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
01/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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Alexandria, VA 22313-1450
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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/305,796	**: PROSECUTION HIGHWAY**
Filed: 19 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35703	**: TO MAKE SPECIAL UNDER**
For: ORGANIC ELEMENT AND MANUFACTURING METHOD THEREOF	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 20 April 2009, to make the above-identified application special.

In light of the amendment filed 10/21/09, the request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
   (a) a Paris Convention application which either
      (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims,

or

   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      (i) validly claims priority to an application filed in the JPO, or
      (ii) validly claims priority to a PCT application that contains no priority claims, or
      (iii) contains no priority claim,

or

   (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

        Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Conditions 1-7 are considered to have been met. Therefore, the request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Darren Schuberg at 571 272 2044.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Darren Schuberg
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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ICE MILLER LLP
ONE AMERICAN SQUARE
SUITE 3100
INDIANAPOLIS, IN 46282-0200

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JUN 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Ghassan S. KASSAB, et al	:	
Application No. 12/305,864	:	DECISION ON PETITION
Filed: April 28, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. P01565-US-01(26259.0065)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 29, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement by Applicant Jose A. Navia, Sr.. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

This application is being referred back to the Office of Patent Application Processing for further processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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PROTEUS BIOMEDICAL, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

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JUL 0 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Benedict James COSTELLO, et al	:	
Application No. 12/305,894	:	DECISION ON PETITION
Filed: December 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PRTS-048US1 (PRO-82)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Bret E. Field, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

This application is being referred back to the Office of Patent Application Processing for further processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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PROTEUS BIOMEDICAL, INC.
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

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JUL 01 2009

OFFICE OF PETITIONS

In re Application of	:	
Benedict James COSTELLO, et al	:	
Application No. 12/305,910	:	DECISION ON PETITION
Filed: December 19, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PRTS-048US2 (PRO-83)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 20, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Bret E. Field, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-6735.

This application is being referred back to the Office of Patent Application Processing for further processing. This application will be accorded "special" status when pre-examination processing is done.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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0 3 FEB 2010

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: OKI, Kazuo, et al. U.S. Application No.: 12/305,914 PCT No.: PCT/JP2007/062846 International Filing Date: 27 June 2007 Priority Date: 27 June 2006 Attorney's Docket No.: 5094-01303PUS1 For: COMPOSITE POSITIVE ELECTRODE MATERIAL FOR LITHIUM ION BATTERY AND BATTERY USING SAME	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 19 December 2008 of a declaration executed on behalf of deceased inventor Mikio KAWAI by the deceased inventor's legal representative, Mieko KAWAI, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 27 June 2007, applicants filed international application PCT/JP2007/062846. The international application claimed a priority date of 27 June 2006, and it designated the United States. On 03 January 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 27 December 2008.

On 19 December 2008, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and the declaration considered herein. The declaration was executed by the surviving inventors and behalf of deceased co-inventor Mikio KAWAI by the deceased inventor's legal representative, Mieko KAWAI.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative(s) must be identified on the declaration (as well as the mailing address and residence information of the legal representatives and all other information required under 37 CFR 1.497).

Here, the declaration filed 19 December 2008 includes the required citizenship, residence, and mailing address information for Mieko KAWAI, the person signing the declaration on behalf of deceased inventor Mikio KAWAI, and it identifies this person as the legal representative of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497, and it has been executed by the seven surviving inventors.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Mikio KAWAI is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 December 2008.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

2 0 JAN 2009

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20985
FISH & RICHARDSON, PC
P.O. Box 1022
Minneapolis, MN 55440-1022

In re Application of	:	
PI, Bo	:	
U.S. Application No.: 12/305,950	:	
PCT No.: PCT/US2006/047244	:	**DECISION ON**
Int. Filing Date: 11 December 2006	:	**PETITION UNDER**
Priority Date: 09 December 2005	:	**37 CFR 1.137(b)**
Docket No.: 20436-0004US1	:	
For: OPTICAL MOLECULAR DETECTION	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 19 December 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant makes the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 5 JAN 2009

Nixon Peabody LLP
200 Page Mill Road
Palo Alto CA 94306

In re Application of YANG, Hyun-Jin Application No.: 12/305,952 PCT No.: PCT/KR07/02127 Int. Filing Date: 30 April 2007 Priority Date: 08 June 2006 Attorney Docket No.: 435967-039 For: CENTRIFUGE AND CENTRIFUGING METHOD	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 December 2008 (and 23 December 2008) in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

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APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Roht Karnik, et al.	:	
Application No. 12/306,249	:	DECISION ON PETITION
Filed: December 22, 2008	:	TO WITHDRAW
Attorney Docket No. 0492611-0888 (MIT 11940)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 8, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart, LLP has been revoked by the assignee of the patent application on March 19, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

2 JUN 2009

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of BERKENS, Martinus, Maria, et al. Application No: 12/306,340 PCT No.: PCT/NL2007/050312 Int. Filing Date: 27 June 2007 Priority Date: 27 June 2006 Docket No.: 265951 For: METHOD FOR OPTIMIZING AN INTEGRATED CIRCUIT PHYSICAL LAYOUT	**DECISION**

This decision is in response to applicants' Petition to Expunge Under 37 CFR 1.59(b), filed in the United States Patent and Trademark Office on 09 January 2009.

BACKGROUND

On 07 January 2009, applicants filed an Information Disclosure Statement including seven United States Patent documents.

On 09 January 2009, applicants submitted a petition under 37 CFR 1.59(b) requesting that the Office expunge the seven United States Patent documents.

DISCUSSION

Under 37 CFR 1.59 (b), applicant may request that the Office expunge information, other than that excluded under (a)(2), by filing a petition, including the fee set forth in §1.17(g) and establishing to the satisfaction of the Director that the expungement of the information is appropriate. The fee for the petition will be charged to deposit account no. 12-1216, as authorized.

In this situation, the patent applications are public information. While it was unnecessary to file them, applicant has not demonstrated an appropriate reason for their removal.

CONCLUSION

Applicants' petition to expunge the document unintentionally submitted is hereby **DISMISSED** without prejudice.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 5 FEB 2010

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24737
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of :
SPRUIT *et al* :
U.S. Application No.: 12/306,355 :
PCT No.: PCT/IB2006/052246 :
Int. Filing Date: 04 July 2006 :
Priority Date: None : **DECISION**
Attorney Docket No.: 006249 US1 :
For: METHOD AND DEVICE FOR :
RETRIEVING INFORMATION FROM :
AN OPTICAL RECORD CARRIER AT :
VARIOUS READING SPEEDS :

This decision is in response to applicants' papers filed on 14 September 2009 which are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 23 December 2008, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 of PCT/IB07/52246. However, all other papers identified the underlying international application as PCT/IB06/52246.

On 17 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to provide the full U.S. Basic National Fee by thirty months from the earliest claimed priority date.

On 14 September 2009, applicant filed a petition to revive under 37 CFR 1.137(b) which was accompanied by, *inter alia*, a paper titled Response to Notification of Abandonment and a Request for Refund.

DISCUSSION

A review of the above-captioned application shows that applicants paid $980.00 in fees on 23 December 2008. However, applicants identified the application as the national stage of PCT/IB07/52246 upon filing with the USPTO EFS-Web system. As such, the Office processed the application as the national stage of PCT/IB07/52246.

The priority date for PCT/IB07/52246 was 13 June 2006. The papers filed 23 December 2008 were after the thirty-month period to enter the national stage. Therefore, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed on 17

12/306,355

August 2009.

The application was clearly intended to be filed as the national stage of PCT/IB06/52246. The declaration and ADS file state that the application is the national stage of PCT/IB06/52246. Applicants also submitted a copy of PCT/IB06/52246 with the initial papers. Moreover, WIPO records show that the application corresponds to PCT/IB06/52246, not PCT/IB07/52246.

Accordingly, the petition filed 14 September 2009 is treated as a petition to correct the PCT number pursuant to 37 CFR 1.182. The $400.00 petition fee has been charged to Deposit Account No. 14-1270 as authorized.

This is sufficient for a grantable petition.

DECISION

For the reasons noted above, applicants' petition under 37 CFR 1.182 to correct the PCT number to PCT/IB06/52246 is hereby **GRANTED**.

The Form PCT/DO/EO/909 mailed 17 August 2009 is **VACATED**.

The petition to revive under 37 CFR 1.137(b) is no longer applicable and **DISMISSED** as **MOOT**. The request for refund of the $980.00 in fees paid on 23 December 2009 is also not applicable as no additional fees will be charged.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/306,368	12/23/2008	Hidehiro Yoshida	P35702	3012

52123 7590 09/21/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
09/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/306,368	**: PROSECUTION HIGHWAY**
Filed: 23 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35702	**: TO MAKE SPECIAL UNDER**
For: ORGANIC EL DISPLAY PANEL AND MANUFACTURING METHOD THEROF	**: 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 8 July 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1-6 above are considered to have been met. However, the request to participate in the PPH program fails to meet requirement 7. The required petition fee has not been paid.

Applicant is given <u>**ONE**</u> opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Michael Day at (571) 272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/306,368	12/23/2008	Hidehiro Yoshida	P35702	3012

52123 7590 11/24/2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
ROY, SIKHA

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
11/24/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

In re Application of	**: DECISION ON REQUEST TO**
Hidehiro YOSHIDA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/306,368	**: PROSECUTION HIGHWAY**
Filed: 23 December 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: P35702	**: TO MAKE SPECIAL UNDER**
For: ORGANIC EL DISPLAY PANEL AND MANUFACTURING METHOD THEROF	**: 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 8 July 2009, and renewed petition, mail room date 10/06/2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

2 0 AUG 2009

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	
CAVALLUCCI et al.	:	
Application No.: 12/306,379	:	DECISION
PCT No.: PCT/GB2007/002454	:	
Int. Filing Date: 29 June 2007	:	
Priority Date: 29 June 2006	:	
Attorney Docket No.: 60130-2888 PUS1	:	
For: MOTOR ARRANGEMENT	:	

This is a decision on applicants' "PETITION UNDER RULE 37 CFR 1.183," which has properly been treated as a petition under 37 CFR 1.47(a), filed 19 June 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 29 June 2007, applicants filed international application PCT/GB2007/002454, which designated the United States and claimed a priority date of 29 June 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2008.

On 23 December 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 19 June 2009, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a declaration of facts by Robert F. Tolley.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Item (1) has been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Although a link to the application was sent to non-signing inventor Sylvain Rehl Chonavel via e-mail, there is no confirmation that he received the e-mail. It is suggested that the application papers be delivered via a hand delivery service (e.g., Post Office, Federal Express, etc.) with some type of confirmation of receipt.

Item (3) has not been satisfied. A statement of the last known address of Mr. Chonavel has not been provided.

Item (4) has not been satisfied. The declaration filed 19 June 2009 is an improper composite declaration, consisting of one of Page 1, one of Page 2, one of Page 3, two of page 4, one of page 5, three of page 6, and one of page 7. Each inventor must be presented with a complete declaration which lists all of the inventors, and the signature of each inventor must appear on at least one complete declaration. Multiple complete declarations may be submitted, but it is not permissible to combine pages of separate documents.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 6 OCT 2009

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SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	
CAVALLUCCI et al.	:	
Application No.: 12/306,379	:	DECISION
PCT No.: PCT/GB2007/002454	:	
Int. Filing Date: 29 June 2007	:	
Priority Date: 29 June 2006	:	
Attorney Docket No.: 60130-2888 PUS1	:	
For: MOTOR ARRANGEMENT	:	

This is a decision on applicants' "RENEWED PETITION UNDER RULE 37 CFR 1.183," which has properly been treated as a petition under 37 CFR 1.47(a), filed 07 October 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 29 June 2007, applicants filed international application PCT/GB2007/002454, which designated the United States and claimed a priority date of 29 June 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2008.

On 23 December 2008, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 14 April 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 19 June 2009, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a declaration of inventors, and a declaration of facts by Robert F. Tolley.

On 20 August 2009, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that the following had not been provided: factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, a statement of the last known address of the missing inventor, and an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

On 07 October 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, several declarations of inventors and an affidavit by Robert Tolley with supporting documentation.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 20 August 2009, item (1) has been satisfied.

Items (2)-(4) have been satisfied as well. Regarding item (2), it has been established that Mr. Chonavel was presented with a copy of the application papers (affidavit of Robert Tolley) and that Mr. Chonavel has orally refused to sign (affidavit of Robert Tolley).

The declarations of inventors filed 07 October 2009 are in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office

of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **07 October 2009**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 6 OCT 2009

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Mr. Sylvain Rehi Chonavel
88A London Road
Twyford
RG10 9EA
United Kingdom

In re Application of
CAVALLUCCI et al.
Application No.: 12/306,379
PCT No.: PCT/GB2007/002454
Int. Filing Date: 29 June 2007
Priority Date: 29 June 2006
Attorney Docket No.: 60130-2888 PUS1
For: MOTOR ARRANGEMENT

Dear Mr. Chonavel:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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MAILED

Paper No.

MAY 25 2010

OFFICE OF PETITIONS

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of Cima et al. Application No. 12/306,415 Filed: December 22, 2009 Attorney Docket No.: 0492611-0885 Title: METHOD FOR MAKING HIGH JC SUPERCONDUCTING FILMS AND POLYMER-NITRATE SOLUTIONS USED THEREFORE	DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.28(c)

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on February 26, 2010. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fees that were erroneously paid as a small entity, when the small entity fees were actually paid, the small entity fees that were actually paid, the deficiency owed amounts, and the total deficiency payment owed.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

The deficiency payment of $646 is acknowledged.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The Technology Center will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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MAY 1 1 2009

Westerman, Hattori, Daniels & Adrian LLP
1250 Connecticut Avenue, NW
Suite 700
Washinton, DC 20036

In re application of Takeki Shirai et al. Application No. 12/306,456 Filed: December 23, 2008 For: LINEAR GUIDANCE DEVICE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 22, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail to include:
(1) - (2) This application does not currently claim priority under 35 USC 119(a) to the JPO application (JP2008-536399) that contains the allowable claims. It does contain claims to priority to 2 other JP applications, but not the application that contains the allowable claims. Applicant provides a "Statement of Relationship" that indicates that JP2008-536399 is derived from PCT/JP2007/068704. It is not clear what "derived" means. If 536399 is the national stage application of the PCT, it needs to be so stated, if there is some other relationship, it needs to be so specified.

(5) Applicant has not submitted a copy of the latest Office action from the JPO application (JP2008-536399). If there was no other JPO Office action other than the "Decision to Grant a Patent" (which does not need to be submitted), it should be so stated.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 5/12/09

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JUN 0 2 2009

Westerman, Hattori, Daniels & Adrian LLP
1250 Connecticut Avenue, NW
Suite 700
Washinton, DC 20036

In re application of Takeki Shirai et al. Application No. 12/306,456 Filed: December 23, 2008 For: LINEAR GUIDANCE DEVICE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 28, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the renewed petition, which included clarifications on: 1) the relationship between the priority application and the foreign application containing the allowable claims, and 2) the lack of any reasons for refusal issued by the JPO, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 5/31/09

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1 2 JAN 2009

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NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of	:	
NEIL et al.	:	
U.S. Application No. 12/306,466	:	
PCT No.: PCT/EP07/05854	:	
Int. Filing Date: 02 July 2007	:	DECISION
Priority Date: 30 June 2006	:	
Attorney Docket No.: HAMM0013UPCTUS	:	
For: REFLECTIVE OPTICAL SYSTEMS AND THEIR FABRICATION	:	

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 02 July 2007, applicant filed international application No. PCT/EP07/05854, which claimed a priority date of 30 June 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2008.

On 23 December 2008, applicant electronically filed, through the law firm of Neifeld IP LAW, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number HAMM0013UPCTUS and was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying international application no. PCT/EP07/05854, was assigned U.S. application number 12/306,466.

On the same day, through the same law firm, applicant electronically filed a second transmittal letter for entry into the national stage in the United States bearing the same attorney docket number and referencing the same international application PCT/EP07/05854. These papers were assigned U.S. application number 12/306,433.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the

national stage have been submitted for international application number PCT/EP07/05854 (United States application numbers 12/306,466 and 12/306,433). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 12/306,466 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 12/306,466 is the application file that will continue to be processed as the national stage of PCT/EP07/05854. The second set of national stage materials filed on 23 December 2008 and originally assigned U.S. application number 12/306,433 will be placed in the present application file, and U.S. application number 12/306,433 will be discontinued.

Applicants should use application number **12/306,466** in all future communications with the United States Patent and Trademark Office (PTO).

Application number 12/306,433 will be discontinued.

CONCLUSION

U.S. application number 12/306,466 is the national stage of PCT/EP07/05854.

Application no. 12/306,466 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 12/306,433 into U.S. Application no. 12/306,466; and (2) issue a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

Application number 12/306,433 will be discontinued. No fees were charged in discontinued U.S. application number 12/306,433; thus, no refund is necessary.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3286
Facsimile: 571-273-0459

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12 JAN 2009

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of	:	
NEIL et al.	:	
U.S. Application No. 12/306,466 (12/306,466)	:	
PCT No.: PCT/EP07/05854	:	
Int. Filing Date: 02 July 2007	:	DECISION
Priority Date: 30 June 2006	:	
Attorney Docket No.: HAMM0013UPCTUS	:	
For: REFLECTIVE OPTICAL SYSTEMS AND THEIR FABRICATION	:	

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 02 July 2007, applicant filed international application No. PCT/EP07/05854, which claimed a priority date of 30 June 2006. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2008.

On 23 December 2008, applicant electronically filed, through the law firm of Neifeld IP LAW, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number HAMM0013UPCTUS and was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). The submission, identifying international application no. PCT/EP07/05854, was assigned U.S. application number 12/306,466.

On the same day, through the same law firm, applicant electronically filed a second transmittal letter for entry into the national stage in the United States bearing the same attorney docket number and referencing the same international application PCT/EP07/05854. These papers were assigned U.S. application number 12/306,433.

DISCUSSION

As is evident from the above recited facts, two sets of papers to enter the

national stage have been submitted for international application number PCT/EP07/05854 (United States application numbers 12/306,466 and 12/306,433). The end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper.

The documents filed by above-named counsel and assigned application number 12/306,466 were the first of the two filings to be processed by the USPTO, with such U.S. application file being associated with the international application in the USPTO's PALM system. Accordingly, U.S. application number 12/306,466 is the application file that will continue to be processed as the national stage of PCT/EP07/05854. The second set of national stage materials filed on 23 December 2008 and originally assigned U.S. application number 12/306,433 will be placed in the present application file, and U.S. application number 12/306,433 will be discontinued.

Applicants should use application number **12/306,466** in all future communications with the United States Patent and Trademark Office (PTO).

Application number 12/306,433 will be discontinued.

CONCLUSION

U.S. application number 12/306,466 is the national stage of PCT/EP07/05854.

Application no. 12/306,466 is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing to: (1) merge the papers filed in U.S. Application no. 12/306,433 into U.S. Application no. 12/306,466; and (2) issue a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

Application number 12/306,433 will be discontinued. No fees were charged in discontinued U.S. application number 12/306,433; thus, no refund is necessary.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3286
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JAN 19 2010

OFFICE OF PETITIONS

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

In re Application of	:	
Lain Alexander Neil et al.	:	
Application No. 12/306,466	:	DECISION ON PETITION
Filed: June 23, 2009	:	TO WITHDRAW
Attorney Docket No. HAMM0013UPCTUS	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 1, 2009.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because no forwarding address was provided. The new correspondence address should be that of the first signing inventor or and assignee who has properly intervened in this application. If applicable, **see** 37 CFR 3.73(b).

When filing a renewed request for withdrawal of attorney, a copy of the actual assignment or a Statement under 37 CFR 3.73(b) should be provided.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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ALEXANDRIA VA 22304

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FEB 01 2010

In re Application of	:	
Lain Alexander Neil et al.	:	
Application No. 12/306,466	:	DECISION ON PETITION
Filed: June 23, 2009	:	TO WITHDRAW
Attorney Docket No. HAMM0013UPCTUS	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard Neifeld on behalf of attorney/agents of record. All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Media Lario Technologies S.R.L.
Localita Pascolo
23842 Bosisio Parini (LC)
ITALY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/306,466	06/23/2009	Iain Alexander Neil	HAMM0013UPCTUS

CONFIRMATION NO. 3788

31518
NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA, VA 22304

POWER OF ATTORNEY NOTICE

OC000000039942304

Date Mailed: 01/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/26/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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25 NOV 2009

Hogan & Hartson LLP
One Tabor Center, Suite 1500
1200 Seventeenth St
Denver, CO 80202

In re Application of:		
FAHS, Bassem	:	
Application No.: 12/306,642	:	
PCT No.: PCT/IB2007/052611	:	DECISION ON REQUEST
Int. Filing Date: 04 July 2007	:	
Priority Date: 07 July 2006	:	
Attorney Docket No.: STW-005811NP	:	
For: PROGRAMMABLE INDUCTOR		

This decision is issued in response to applicant's "Request to Vacate Notificaiton of Defective Response" filed 27 October 2009. Applicant is notifying the Office that the sole inventor's name is Bassem FAHS as indicated on the declaration (filed 24 July 2009) rather than Bassem BAHS as indicated on the published international application. Applicant's request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner states that the correct spelling of the sole inventor's name is Bassem FAHS. Petitioner's statements are being construed as a statement that the spelling error contained in the international application resulted from a typographical or transliteration error; applicant must inform this Office immediately if this is not a proper interpretation of this statement. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation is accepted and noted for the record and the declaration filed 24 July 2009 has been accepted.

For the reasons above, the request is **GRANTED**.

This application is being returned to he United States Designated/Elected Office for processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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0 4 NOV 2009

NXP, B.V.
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In re Application of HIJZEN et al. Application No.: 12/306,653 PCT No.: PCT/IB07/52226 Int. Filing Date: 12 June 2007 Priority Date: 28 June 2006 Attorney Docket No.: 00 6066 US For: METHOD OF MANUFACTURING A BIPOLAR TRANSISTOR AND BIPOLAR TRANSISTOR OBTAINED THEREWITH	DECISION ON RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

This is a decision on applicant's Response to the Notification of Missing Requirements filed in the United States Patent and Trademark Office on 17 July 2009.

BACKGROUND

On 24 December 2008, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee and an executed declaration.

On 02 July 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required. The notification specifically stated that the second and third inventor's names were different on the international application and declaration.

On 17 July 2009, applicant responded to the Notification with an executed declaration. The declaration was executed by Erwin B. Hijzen, Philippe Meunier-Bellard and Johannes J.T.M. Donkers.

DISCUSSION

A review of the application file reveals that the given name of the second inventor as listed on the published international application is "Philippe Meunier-**Beillard**." The declaration, filed on 17 July 2009, indicates "Philippe Meunier-**Bellard**". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been

submitted which indicates that the name change was accepted. Should applicant wish to change the second inventor's name to Meunier-Bellard, a petition under 37 CFR 1.182 is required. *But also see* MPEP §1893.01(e) Correction of Inventorship which states that where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical error, then a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required to correct such error. *See also* MPEP 201.03 and 605.04(g).

CONCLUSION

For the reasons, set forth above, the declaration of inventors submitted by applicants on 17 July 2009 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision, including the issuance of a Notification of Defective Response (Form PCT/DO/EO/916).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Cynthia M. Kratz

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11 MAR 2009

YOUNG & THOMPSON
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ALEXANDRIA, VA 22314

In re Application of CERBINI	:	
U.S. Application No.: 12/306,668	:	
PCT Application No.: PCT/IT2007/000309	:	
Int. Filing Date: 27 April 2007	:	DECISION
Priority Date Claimed: 18 May 2006	:	
Attorney Docket No.: 2563-1004	:	
For: NEW PROTECTIVE MASK AGAINST	:	
BIOLOGICAL AGENTS MADE OF TWO PARTS	:	

This is in response to applicant's under 37 CFR 1.137(b) filed 24 December 2008.

BACKGROUND

On 27 April 2007, applicant filed international application PCT/IT2007/000309, which claimed priority of an earlier Italy application filed 18 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 29 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 18 November 2008.

On 19 November 2008, international application PCT/IT2007/000309 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 December 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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PCT Legal Examiner
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19 JAN 2010

Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
URMANOVA et al.
Application No.: 12/306,742
PCT No.: PCT/EP2007/005726
Int. Filing Date: 28 June 2007
Priority Date: 30 June 2006
Attorney Docket No.: BHD-4662-1013
For: BRANCHED POLYESTER CONTAINING POWDER COATING COMPOSITION

DECISION ON REQUEST

This decision is issued in response to applicant's "Response to Notification of Defective Response and Request to Change Inventorship Pursuant to Rule 37 CFR 1.497(d)" filed 30 November 2009. The $130 petition fee has been provided.

BACKGROUND

On 28 June 2007, applicants filed international application PCT/EP2007/005726 which claimed a priority date of 30 June 2006. The published international application identified five applicants/inventors for the United States: Antonia Urmanova; Robert Van Den Berg Jeths; Paulus Franciscus Anna Buijsen; Johannes Wilhelmus Jacobus Leonardus Cuijpers; and Jochum Beetsma. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 December 2008.

On 29 December 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 01 May 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.492(a) and (b). The notification set a two-month time limit in which to respond.

On 01 July 2009, applicant filed a declaration executed by: Antonia Urmanova; Robert Van Den Berg Jeths; Paulus Franciscus Anna Buijsen; Juul Cuijpers; and Jochum Beetsma.

On 31 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because it was not in an acceptable form.

On 30 September 2009, applicant filed a declaration.

On 30 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because it indicated an additional inventor (Juul Cuijpers) not listed on the published international application.

On 30 November 2009, applicant filed a request under 37 CFR 1.497(d).

DISCUSSION

Applicant requests to add Juul Cuijpers as an inventor to the present application. Additionally, applicant requests to delete Johannes Wilhelmus Jacobus Leonardus Cuijpers as an inventor from the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied items (1), (2) and (3).

Regarding item (4), applicant has submitted a document entitled "Assignee Consent to Inventorship Change." This document states that the assignees consent to the addition of Juul Cuijpers and deletion of Johannes Wilhelmus Jacobus Leonardus Cuijpers as inventors herein. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37 CFR 3.73(b)(2). Specifically, the person (R. H. Heijamn) signing the "Assignee Consent to Inventorship Change" does not have apparent authority to act on behalf of the assignee or states that he/she is authorized to act on behalf of the assignee.

The inventors of record remain the inventors named on the international application.

CONCLUSION

Applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a written consent of assignee in compliance with 37 CFR 3.73(b). Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
URMANOVA et al.
Application No.: 12/306,742
PCT No.: PCT/EP2007/005726
Int. Filing Date: 28 June 2007
Priority Date: 30 June 2006
Attorney Docket No.: BHD-4662-1013
For: BRANCHED POLYESTER CONTAINING POWDER COATING COMPOSITION

DECISION ON REQUEST

In a decision mailed by this Office on 19 January 2010, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 05 February 2010, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's 30 November 2009 and 05 February 2010 submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added/deleted inventors. The processing fee set in forth in 37 CFR §1.17 has been submitted. Further, the submission included the consent of the assignee to the requested correction of inventorship in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Juul Cuijpers and delete Johannes Wilhelmus Jacobus Leonardus Cuijpers as inventors are appropriately granted. Based on this correction, the declaration filed on 30 September 2009 (which named Antonia Urmanova; Robert Van Den Berg Jeths; Paulus Franciscus Anna Buijsen; Juul Cuijpers; and Jochum Beetsma) is acceptable under 37 CFR 1.497.

Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 30 September 2009.

Anthony Smith
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, NW
SUITE 800
WASHINGTON, DC 20037

MAILED
APR 20 2010
OFFICE OF PETITIONS

Applicants: Klaus Lenhart
Appl. No.: 12/306,776
International Filing Date: June 29, 2007
Title: SKI POLE BASKET COMPRISING AN ADJUSTABLE SUPPORTING SURFACE
Attorney Docket: Q111160
Pub. No.: US 2009/0194986 A1
Pub. Date: August 6, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 6, 2009, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains an incorrect Foreign Application Priority date for CH 1059/06, as the Office improperly published the date as June 3, 2006, not June 30, 2006.

37 CFR 1.221 (b) is applicable "only when the Office makes **a material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in misprinting the foreign priority data, wherein June 30, 2006 is misprinted as June 3, 2006 may be an Office error, but it is not a material Office error under 37 CFR 1.221. The specification and claims were accurately published, thus one can read and understand the content of the application. The misprint does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference, because the foreign priority date is not useable as a reference date.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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0 3 NOV 2009

YOUNG & THOMPSON
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Alexandria VA 22314

In re Application of PERSSON et al. Application No.: 12/306,823 PCT No.: PCT/SE07/00647 Int. Filing: 29 June 2007 Priority Date: 29 June 2006 Attorney Docket No.: INTM/024 For: SOLUTION FOR INTERNAL MONITORING OF BODY	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 02 September 2009, to accept the application without the signature of the joint inventor PARHAM HASHEMZADEH.

BACKGROUND

On 02 July 2009, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

On 02 September 2009, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, PARHAM HASHEMZADEH alleging that Mr. HASHEMZADEH refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant satisfied Items (1) with the payment of the petition fee, (3) with the statement of the nonsigning inventor's last known address and (4) with the submission of the declaration executed by the joint inventors.

With regard to item (2), applicant submitted the statement of Fredrik Althoff, a Swedish patent attorney. Mr. Althoff states that on 08 June 2009, he sent, via registered mail, a complete copy of the application papers including declaration to the last known address of the nonsigning inventor. A copy of his correspondence and Swedish postal receipt (with English translation) accompanied Mr. Althoff's statement. Mr. Althoff further states that the postal receipt was signed for by the nonsigning inventor HASHEMZADEH on 09 June 2009. Mr. Althoff states

inventor has not returned the executed declaration to him. Thus, it can be concluded that the nonsigning inventor refuses to sign the application papers. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 02 September 2009. The application has an international filing date of 29 June 2007 under 35 U.S.C. 363, and a date of 02 September 2009 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile (571) 272-0459

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0 3 NOV 2009

PARHAM HASHEMZADEH
GIBRALTARGATAN 96
412 79 GOTEBORG
SWEDEN

In re Application of PERSSON et al. :
Application No.: 12/306,823 :
PCT No.: PCT/SE07/00647 :
Int. Filing: 29 June 2007 :
Priority Date: 29 June 2006 :
Attorney Docket No.: 1504-1078 :
For: SOLUTION FOR INTERNAL MONITOR- :
ING OF BODY :

Dear Mr. HASHEMZADEH:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/306,833	12/29/2008	Hidetoshi Kitanaka	1033318-000135	7164

21839 7590 10/01/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
10/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

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Alexandria, VA 22313-1450
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BUCHANAN, INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of	
Hidetoshi KITANAKA	**: DECISION ON REQUEST TO**
Application No.: 12/306,833	**: PARTICIPATE IN THE PATENT**
Filed: 29 December 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 1033318-000135	**: PROGRAM AND PETITION**
For: VECTOR CONTROL DEVICE OF INDUCTION MOTOR, VECTOR CONTROL METHOD OF INDUCTION MOTOR, AND DRIVE CONTROL DEVICE OF INDUCTION MOTOR	**: TO MAKE SPECIAL UNDER : 37 C.F.R. 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 06 August 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, 4, 5 and 6 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirements 3 and 7.

Regarding requirement 3, Petitioner has not amended the claims of the instant U.S. Patent Application to sufficiently correspond to the allowable claims in the JPO application:

Claim 16 of the instant U.S. application recites the terms "G" and "Li" in line 12, while the JPO application correspondingly recites the terms "σ" and "L1" in its claim 3. It appears that the use of the terms "G" and "Li" in claim 16 appear to be typographical errors, and should in fact read "σ" and "L1" respectively.

Regarding requirement 7, Petitioner has not paid the petition fee.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program between the JPO and the USPTO" filed 06 August 2009 is **DISMISSED** without prejudice.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Michael Day
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/306,833	12/29/2008	Hidetoshi Kitanaka	1033318-000135	7164

21839 7590 12/23/2009
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
MASIH, KAREN

ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
12/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ALEXANDRIA, VA 22313-1404

In re Application of
Hidetoshi KITANAKA
Application No.: 12/306,833
Filed: 29 December 2008
Attorney Docket No.: 1033318-000135
For: VECTOR CONTROL DEVICE OF INDUCTION MOTOR, VECTOR CONTROL METHOD OF INDUCTION MOTOR, AND DRIVE CONTROL DEVICE OF INDUCTION MOTOR

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 C.F.R. 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 C.F.R. 1.102(d), filed 06 August 2009, and renewed request to participate, filed 2 November 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority to an application filed in the JPO, or
    ii. validly claims priority to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 C.F.R. 1.17(h).

This request to participate in the PPH program and petition meet the requirements (1) through (7), above.

<u>CONCLUSION</u>

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Michael Day at (571) 272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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May 13, 2009

In re application of Toshihiro Matsumoto et al Serial No. 12/306,977 Filed: December 30, 2008 For: POLYMER ELECTROLYTE FUEL CELL	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 5, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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May 21, 2009

In re application of Takashi Morimoto et al Serial No. 12/306,986 Filed: 30 December 2008 For: POLYMER ELECTROLYTE FUEL CELL AND MANUFACTURING METHOD FOR ELECTRODE-MEMBRANE-FRAME ASSEMBLY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed 5 March 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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14 AUG 2009

23850
KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
Washington, DC 20005

In re Application of
OSAWA *et al*
U.S. Application No.: 12/307,010
PCT No.: PCT/JP2007/063269
Int. Filing Date: 03 July 2007
Priority Date: 05 July 2006
Attorney Docket No.: 080540
For: RACK DEVICE AND INCUBATOR HAVING THE SAME

DECISION

This decision is in response to the "Request for a Corrected Filing Receipt and Notice of Acceptance" filed on 29 April 2009.

This request is treated as a petition under 37 CFR 1.181 and is **GRANTED** as follows:

An executed declaration was not submitted until 03 March 2009 in the subject application. As such, the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date of Completion of all 35 U.S.C. 371 Requirements" on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed 24 April 2009 should be recorded as 03 March 2009, not 30 December 2008. The "Filing or 371(c) Date" on the filing receipt mailed 24 April 2009 should also be recorded as 03 March 2009.

For these reasons, the Form PCT/DO/EO/903 and filing receipt mailed 24 April 2009 are both **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing a Form PCT/DO/EO/903 and filing receipt with the corrections noted above.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

CST

April 29, 2009

In re application of Takashi Morimoto et al Serial No. 12/307,014 Filed: December 30, 2008 For: POLYMER ELECTROLYTE FUEL CELL AND MANUFACTURING METHOD FOR ELECTRODE-MEMBRANE-FRAME ASSEMBLY	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 5, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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JUN 0 9 2010

Cohen, Pontani, Lieberman & Pavane LLP
551 Fifth Avenue. Suite 1210
New York, NY 10176

In re application of Jensen et al. Application No. 12/307,058 Filed: March 25, 2009 For: TOWER CONSTRUCTION	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed April 14, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(2) A copy of the allowable/patentable claims from the EPO. It is not clear which claims have been allowed by the EPO. There are two sets of claims provided, the first set of claims dated 02-10-2008 are claims from the PCT and can not qualify as an EPO indication of allowance, and the second set of claims dated 2008-10-09 (IPEA409ANNEX) with handwritten alterations to the claims. These two sets of claims are different from one another. It is requested that a copy of a separate set of claims clearly indicated as having been allowed by the EPO to be submitted by the applicant.
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the EPO application. There is no separate set of claims clearly indicated as having been allowed by the EPO that have been submitted by the applicant. Specifically, claim 1 in the IPEA409ANNEX dated 2008-10-09 included deletions and insertions of hand written alterations on the claim of the EPO action. It is not clear what the official version of the claims allowed by the EPO is and whether or not they correspond to the claims in this US application. It is requested that applicant to submit a new set of claims that sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the EPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/SM: 6/08/10

SM

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ROSSI, KIMMS & McDOWELL LLP.
20609 Gordon Park Square, Suite 150
Ashburn VA 20147

In re Application of	:	
NOGUCHI, AKANE	:	DECISION ON REQUEST TO
Application No. 12/307,178	:	PARTICIPATE IN PATENT
Filed: December 31, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. YAMA:234	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 12, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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0 7 JAN 2009

Fitch Even Tabin and Flannery
120 South La Salle Street
Suite 1600
Chicago, IL 60603-3406

In re Application of BARYKIN, Alexey Evgenievich Application No.: 12/307,192 PCT No.: PCT/RU07/00283 Int. Filing Date: 30 May 2007 Priority Date: 31 May 2006 Attorney Docket No.: 7382/94007 For: DOWNHOLE CYCLIC PRESSURE PULSE GENERATOR AND METHOD FOR INCREASING THE PERMEABILITY OF PAY RESERVOIR	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 31 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

c

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/307,198	12/31/2008	Sang Youl Lee	3449-1059PUS1	1874

2292 7590 04/26/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
04/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	
Sang Youl LEE	**: DECISION ON REQUEST TO**
Application No.: 12/307,198	**: PARTICIPATE IN THE PATENT**
Filed: 31 December 2008	**: PROSECUTION HIGHWAY**
Attorney Docket No. : 3449-1059PUS1	**: PROGRAM AND PETITION**
For: SEMICONDUCTOR LIGHT	**: TO MAKE SPECIAL UNDER**
EMITTING DEVICE	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 30 March 2010, to make the above-identified application special.

The request and petition are **Granted**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

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2 8 JAN 2010

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23599
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 Clarendon Blvd.
Suite 1400
Arlington, VA 22201

In re Application of	:	
HIERSE *et al*	:	
U.S. Application No.: 12/307,325	:	
PCT No.: PCT/EP2007/005841	:	**DECISION ON**
Int. Filing Date: 02 July 2007	:	**PETITION UNDER**
Priority Date: 04 July 2006	:	**37 CFR 1.137(b)**
Docket No.: MERCK-3565	:	
For: FLUOROSURFACANTS	:	

Applicants' petition to revive under 37 CFR 1.137(b) filed on 08 September 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

3 SEP 2009

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APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE WA 98125

In re Application of: ECKER, Andreas, et al.
U.S. Application No.: 12/307,354
PCT No.: PCT/EP2007/002769
International Filing Date: 28 March 2007
Priority Date: 28 March 2006
Atty Docket No.: 08.77.04.PCT
For: DEVICE AND METHOD FOR MONITORING A THREAD WOUND ON A BOBBIN

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 02 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

PCT/EP2007/002769 became abandoned with respect to the United States at midnight on 28 September 2008 based on applicants' failure to enter the U.S. national stage and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the request under 35 U.S.C. 371 from the due date for the required request until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Revival of the international application for purposes of the U.S. is therefore appropriate.

It is noted that applicant filed an acceptable declaration during the international phase of the application pursuant to PCT Rule 4.17(iv).

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 January 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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1 0 MAR 2010

Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C
PO Box 7021
Troy, MI 48007-7021

In re Application of EDWARDS, Jeffrey	:	
Application No.: 12/307,379	:	
PCT No.: PCT/GB2007/002516	:	DECISION ON
Int. Filing Date: 05 July 2007	:	REQUEST FOR REFUND
Priority Date: 06 July 2006	:	
Attorney Docket No.: CAF-36202/03	:	
For: IMPROVED WORKOVER RISER	:	
COMPENSATOR SYSTEM	:	

This decision is issued in response to the "Request For Refund" filed 27 August 2009. No petition fee is required.

BACKGROUND

On 05 July 2007, applicants filed international application PCT/GB2007/002516. On 10 January 2008, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 January 2009. The international application included 76 numbered claims.

On 05 January 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application (communicated by the International Bureau), and an application data sheet. The Transmittal Letter authorized a charge to Deposit Account No. 07-1180 for any additional fees required.

Applicants were subsequently charged $390 as the fee for inclusion of a multiple dependent claim, $1,760 as the fee for inclusion of independent claims in excess of three, and $3,848 as the fee for total claims in excess of twenty.

On 14 April 2009, applicants filed an executed declaration and the surcharge for filing the declaration later than thirty months after the priority date.

On 21 July 2009, applicants filed the "Request For Refund" which was dismissed in a communication dated 07 August 2009.

On 27 August 2009, applicants filed the "Request For Refund" considered herein, accompanied by, among other materials, a Preliminary Amendment directed to the 76

claims of record and specifically reducing such claims to the 48 total claims. The petition requests a refund of the additional fees charged ($4,322) to Deposit Account No. 07-1180.

DISCUSSION

It is noted that the present request for refund was accompanied by a Preliminary Amendment specifically directed to the original 76 claims. However, applicants are not entitled to a refund of fees based thereon. See MPEP § 1893.01(c) (emphasis added):

> A preliminary amendment accompanying the initial national stage submission under 35 U.SC. 371 that cancels claims and/or eliminates multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). **A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid.**

Based on the above, the fees due in this national stage application are properly calculated based on the 39 pages (containing 76 claims) included in the international application. A review of the fees charged herein confirms that the $390 multiple dependent claim fee, $1,760 independent claims fee, and $3,484 total claims fee were properly calculated. The request for a refund of these fees is therefore appropriately dismissed.

CONCLUSION

The "Request For Refund" filed 27 August 2009 is DISMISSED without prejudice.

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Refund Request" and must include a proper showing that the claims herein were effectively amended by applicants prior to the USPTO's charging of the required fees.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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16 FEB 2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of COURTIN Serial No.: 12/307,463 PCT No.: PCT/FR06/01796 Int. Filing Date: 24 July 2006 Priority Date: 06 July 2005 Attorney's Docket No.: 3357-103 For: USE OF A COSMETIC COMPOSITION FOR COMBATTING THE EFFECTS OF ELECTRO-MAGNETIC WAVES ON THE SKIN	DECISION ON SUBMISSION

This application is before the PCT Legal Office for consideration of the declaration submitted on 15 May 2009 and resubmitted on 22 October 2009.

BACKGROUND

On 05 January 2009, applicant filed, via Electronic Filing System, a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 07 May 2009, a Notification of Missing Requirements was mailed to applicant indicating that the declaration was required in compliance with 37 CFR 1.497(a) and (b).

On 22 September 2009, a Notification of Defective was mailed to applicant indicating that the declaration did not comply with the requirements of 37 CFR 1.497(a) and (b) because the declaration did not identify the application to which it was directed.

On 22 October 2009, applicant responded with a copy of the declaration .

DISCUSSION

37 CFR 1.63 requires that an oath or declaration identify the specification to which it is directed. MPEP section 602 states that the identification requirements of 37 CFR 1.63 are complied with when "the name of the inventor and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing".

A review of the declaration submitted on 15 May 2009 indicates that the box which states "the declaration is directed to the attached specification" was checked. The declaration was accompanied by a copy of the international application including description, claims and drawing. This is sufficient for compliance with 37 CFR 1.63. Further, the declaration identifies the inventor and states the residency, citizenship and mailing address for the inventor and and was executed by the sole inventor. Thus, the declaration submitted on 14 December 2007 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b). See MPEP 1893.01(e).

Since the declaration filed on 15 May 2009 met the requirements of 37 CFR 1.497(a) and (b), the 22 September 2009 Notification of Defective Response is hereby VACATED.

CONCLUSION

The declaration, submitted on 15 May 2009, is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

The 22 September 2009 Notification of Defective Response is hereby **VACATED**.

The application will be forwarded to the DO/EO/US for further processing. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date is 15 May 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
NAGOYA, MITSUGU	:	DECISION ON REQUEST TO
Application No. 12/307,550	:	PARTICIPATE IN PATENT
Filed: January 05, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 17252/014001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 5, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 2, 5 and 6.

Regarding items 2 and 5, the petition includes copy of allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof, and a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof. However, statement that the English translation is accurate for each of the office actions and claims is missing.
And regarding item 6, IDS submitted in the petition fails to include the following references cited by the JPO examiner along with the copies of the documents: JP 2004-80714 and JP 2006-33612 A.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of NAGOYA, MITSUGU Application No. 12/307,550 Filed: January 05, 2009 Attorney Docket No. 17252/014001	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 27, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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TECHNOLOGY CENTER 2600

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of NAGOYA, MITSUGU Application No. 12/307,551 Filed: January 05, 2009 Attorney Docket No. 17252/013001	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 5, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with items 2, 5 and 6.

Regarding items 2 and 5, the petition includes copy of allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof, and a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof. However, statement that the English translation is accurate for each of the office actions and claims is missing.

And regarding item 6, IDS submitted in the petition fails to include the following references cited by the JPO examiner along with the copies of the documents:
MITI Sponsored Business Extended function in the prototype of a risk analysis system in a plant network security, Research paper, Security Center, IFORMATION-TECHNOLOGY PROMOTION AGENCY, JAPAN, March 2000, pp2-14 (page 14, Chapter 2) and pp3-15 (page 15, Chapter 15), and
http://www.ipa.go.jp/security/fy11/report/contents/intrusion/plant_risk/ptfta99.pdf .

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Kenneth Wieder at 571-273-2986 (RightFax) or 571-273-0308 or via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

Best Available Copy

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TECHNOLOGY CENTER 2600

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
NAGOYA, MITSUGU	:	DECISION ON REQUEST TO
Application No. 12/307,551	:	PARTICIPATE IN PATENT
Filed: January 05, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 17252/013001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 27, 2009 to make the above-identified application special.

The request and petition are **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/307,609		Katsuhiro KANAMORI	OKUDP0371US	4164

51921 7590 03/12/2009
MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER

ART UNIT	PAPER NUMBER
2851	

MAIL DATE	DELIVERY MODE
03/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of	**: DECISION ON REQUEST TO**
KANAMORI, Katsuhiro	**: PARTICIPATE IN THE PATENT**
Application No.: 12/307,609	**: PROSECUTION HIGHWAY**
Filed: 01/06/2009	**: PROGRAM AND PETITION**
Attorney Docket No.: OKUDP0371US	**: TO MAKE SPECIAL UNDER**
For: IMAGE PROCESSING	**: 37 CFR 1.102(d)**
APPARATUS	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 13 February 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then a copy of the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition the requirements (1) through (7), above.

CONCLUSION

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

3 0 JAN 2009

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Baker Botts L.L.P.
30 Rockefeller Plaza, 44th floor
New York, NY 10112-4498

In re Application of	:	
Anastassiou et al	:	
Application No.: 12/307,694	:	
PCT No.: PCT/US07/68666	:	
Int. Filing Date: 10 May 2007	:	
Priority Date: 10 May 2006	:	
For: COMPUTATIONAL ANALYSIS OF THE	:	PETITION UNDER 37 CFR 1.137(b)
SYNERGY AMONG MULTIPLE	:	
INTERACTING FACTORS	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 1/6/2009.

BACKGROUND

The International application PCT/US07/68666 became abandoned with respect to the United States of America at midnight on 10 November 2008 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 06 January 2009, applicants filed the present petition under 37 C.F.R 1.137(b) to revive the application. The national stage fee and a copy of the international application accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the deposit account 02-4377 as authorized by applicants.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905).

Celine Qian
Examiner
Office of PCT Legal Administration
Tel: (571) 272-6094
Fax: (571) 273-0459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

16 JAN 2009

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POLSTER, LIEDER, WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE SUITE 200
ST. LOUIS, MO 63131-3615

In re Application of	:	
PARK, et al.	:	
Application No.: 12/307,697	:	
PCT No.: PCT/US07/72859	:	REQUEST FOR REFUND
Int. Filing Date: 05 July 2007	:	
Priority Date: 06 July 2006	:	
Atty. Docket No.: HKDI 9561W1	:	
For: COLLAPSIBLE CANOPY SUPPORT	:	
ASSEMBLY	:	

The "REQUEST FOR REFUND" filed 13 January 2009 in the above-captioned application is hereby **GRANTED**.

On 06 January 2009, applicant filed a U.S. National stage application for international application PCT/US07/72859. Applicant indicated on the filed transmittal letter that applicant was a large entity.

On 13 January 2009, applicant filed a request for petition indicating that the assertion as a large entity was the result of a processing error and indicated that applicant was in fact a small entity and requested a refund of the difference in filing fees.

37 CFR 1.28 states, "A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee." As applicant has filed the request within the three month period it is proper to grant the request. As requested, $906.00 will be refunded to deposit account 16-2201.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for continued processing

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

OCT 15 2009

OFFICE OF PETITIONS

In re Application of :
HERDEWIJN, Piet Andre Maurits Maria et al. :
Application No. 12/307,727 : DECISION ON PETITION
Filed: January 06, 2009 : TO WITHDRAW
Attorney Docket No. **50304/212001** : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 25, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by J. McDonald on behalf of all attorneys of record who are associated with customer No. 21559. All attorneys/agents associated with the Customer Number 21559 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MARIA HERDEWIJN**
OLIVIERSTRAAT 21
ROTSELAAR/WEZEMALL B-3111
BELGIUM

cc: **GILEAD SCIENCES INC**
333 LAKESIDE DR
FOSTER CITY, CA 94404

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20 APR 2009

Lowe Hauptman Ham & Berner, LLP
1700 Diagonal Road
Suite 300
Alexandria, VA 22314

In re Application of AKAKI, et al.	:	
Application No.: 12/307,826	:	
PCT No.: PCT/JP07/62105	:	DECISION ON REQUEST
Int. Filing Date: 15 June 2007	:	
Priority Date: 18 July 2006	:	
Attorney Docket No.: 2038-441	:	
For: STRETCHING APPARATUS FOR WEB OF THERMOPLASTIC SYNTHETIC RESIN		

This decision is issued in response to applicants' "Change of Inventor Name" filed 07 January 2009 (and the declaration filed 26 February 2009) notifying the Office that the name of the first inventor is Kenichi AKAKI as indicated on the declaration rather than Kenichi AKAGI as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181 to accept the declaration filed 26 February 2009. No petition fee is due.

Petitioner states that "the correct spelling of the second inventor's name is Kenichi Akaki." Applicants' statements are construed as a statement that the spelling error contained in the international application resulted from a typographical or transliteration error; applicants must inform this Office immediately if this is not a proper interpretation of this statement. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation is accepted and noted for the record and the declaration filed 26 February 2009 has been accepted.

For the reasons above, the request is **GRANTED**. This application is being returned to he United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

2 0 JAN 2009

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48980
YOUNG & BASILE, P.C.
3001 West Big Beaver Road
Suite 624
Troy, MI 48084

In re Application of EVERWIN *et al* U.S. Application No.: 12/307,855 PCT No.: PCT/EP2007/005916 Int. Filing Date: 04 July 2007 Priority Date: 05 July 2006 Docket No.: KSK-126-A For: METHODS FOR PRODUCING A CAST PART, IN PARTICULAR A PISTON BLANK	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 07 January 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 3 MAR 2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of KAY et al	:	
U.S. Application No.: 12/307,918	:	
PCT Application No.: PCT/AU2007/000972	:	DECISION
Int. Filing Date: 12 July 2007	:	
Priority Date Claimed: 13 July 2006	:	
Attorney Docket No.: 0446-0203PUS1	:	
For: ELECTRICAL CONDUCTIVE ELEMENT	:	

This is in response to applicant's correspondence filed 12 November 2009, which is being properly treated as a petition under 37 CFR 1.182. The requisite petition fee will be charged to Deposit Account No. 02-2448 as authorized in the petition.

BACKGROUND

On 12 July 2007, applicant filed international application PCT/AU2007/000972, which claimed priority of an earlier Australia application filed 13 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 17 January 2008. The thirty-month period for paying the basic national fee in the United States expired on 13 January 2009.

On 07 January 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO. The EFS-Web submission referenced international application "PCT/US07/00972" but included papers which referenced international application "PCT/AU2007/000972".

On 14 October 2009, this Office mailed a communication which identified the above-noted international application number discrepancy.

On 12 November 2009, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant inadvertently entered "PCT/US07/00972" as the international application number during the EFS-Web filing process. A review of the application

file reveals that at least one document, e.g. the application data sheet, referenced the correct international application number "PCT/AU2007/000972". Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 July 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 December 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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3 0 JAN 2009

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

In re Application of	:	
BLOMQVIST, et al.	:	
U.S. Application No.: 12/307,970	:	DECISION ON PETITION
PCT No.: PCT/SE06/00756	:	
Int. Filing Date: 21 June 2006	:	UNDER 37 CFR 1.137(b)
Priority Date: None	:	
Attorney Docket No.: P08,0389	:	
For: MEDICAL DEVICE AND SYSTEM FOR DETERMINING A HEMODYNAMIC PARAMETER USING INTRACARDIAC IMPEDANCE	:	

The petition to revive under 37 CFR 1.137(b) filed 08 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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0 4 MAR 2009

BARNES & THORNBURG LLP
750-17TH STREET NW
SUITE 900
WASHINGTON, DC 20006-4675

In re Application of AUROLA	:	
U.S. Application No.: 12/307,980	:	
PCT Application No.: PCT/FI2006/050534	:	DECISION
Int. Filing Date: 01 December 2006	:	
Priority Date Claimed: 01 December 2005	:	
Attorney Docket No.: 44655-47187	:	
For: SEMICONDUCTOR APPARATUS	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 08 January 2009.

BACKGROUND

On 01 December 2006, applicant filed international application PCT/FI2006/050534, which claimed priority of an earlier Finland application filed 01 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 07 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 01 June 2008.

On 02 June 2008, international application PCT/FI2006/050534 became abandoned as to the United States for failure to timely pay the basic national fee.

On 08 January 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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0 9 FEB 2009

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Erica R. Carlson
Mintz, Levin, Cohn, Ferris Glovsky and Popeo, PC
One Financial Center
Boston, MA 02111

In re Application of Vergnault, et al. Serial No.: 12/308,009 PCT No.: PCT/EP2005/011568 Int. Filing Date: 28 October 2005 Priority Date: 28 October 2004 Attorney's Docket No.: 28069-605N01US For: DOSAGE FOR TIME-LAGGED OF DRUGS FOR THE THERAPY OF INSOMNIA	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 03 December 2008.

BACKGROUND

On 29 April 2005, applicants filed international application PCT/EP2005/011568, which claimed priority of an earlier Great Briton application which was filed 28 October 2004. Accordingly, the thirty-month period for filing a continuation application in the United States expired at midnight on 28 April 2007.

International application PCT/EP2005/011568 became abandoned as to the United States for failure to timely submit the requisite basic national fee.

On 03 December 2008, applicants filed the current petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in

filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

The instant petition is accompanied by a statement, a proper reply and the proper petition fee. Therefore, the petition to revive is granted.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) is **GRANTED** without prejudice.

This application is being forwarded to the national stage office for processing in accordance with this decision.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

1 6 JAN 2009

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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00164
KINNEY & LANGE, P.A.
The Kinney & Lange Building
312 South Third Street
Minneapolis, MN 55415-1002

In re Application of
BUSH *et al*
U.S. Application No.: 12/308,015
PCT No.: PCT/US2006/021124
Int. Filing Date: 01 June 2006
Priority Date: None
Docket No.: PA0001579U75.12-18KL
For: SYSTEM AND METHOD FOR CONTROLLED EXPANSION VALVE ADJUSTMENT

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 04 December 2008 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

05 FEB 2009

United States Patent and Trademark Office

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re Application of	:	
Bush et al.	:	
Application No. 12/308,016	:	
PCT No.: PCT/US2006/021123	:	
Int. Filing Date: 01 June 2006	:	DECISION
Priority Date: N/A	:	
Att. Docket No.: PA0001375U/U75.12-17KL	:	
For: Multi-Stage Compressor Unit	:	
For Refrigeration System	:	

The petition to revive under 37 CFR 1.137(b) filed on 04 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has filed the required reply in the form of the basic national fee. The petition fee has been paid. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 04 December 2008 is suitable for purposes of 37 CFR 1.497(a) and (b). Per the authorization included in the Transmittal Letter filed on 04 December 2008, $130.00 is being charged to Deposit Account 03-0835 for the surcharge under 37 CFR 1.492(h)(fee code 1617).

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 December 2008.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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HALLIHAN IP PARTNERS, LLC
117 N. JEFFERSON STREET
SUITE 200
CHICAGO, IL 60661

MAILED

SEP 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Leonard Reiffel	:	DECISION ON PETITION
Application No. 12/308,030	:	TO WITHDRAW
Filed: December 5, 2008	:	FROM RECORD
Attorney Docket No. CAPTR	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 31, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by William J. Hallihan on behalf of all practitioners of record associated with Customer Number 87200.

All attorneys/agents associated with the Customer Number 87200 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: LEONARD REIFFEL AND IRON MOUNT CORPORATION
C/O JAMES WILLEFORD
201 ST. CHARLES AVE., SUITE 4208
NEW ORLEANS, LA 70170

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/308,030	12/05/2008	Leonard Reiffel	

CONFIRMATION NO. 9722

POWER OF ATTORNEY NOTICE

87200
Hallihan IP Partners, LLC
117 N. Jefferson Street
Suite 200
Chicago, IL 60661

OC000000037676697

Date Mailed: 09/04/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/31/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

18 MAR 2010

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23859
BALLARD SPAHR LLP
Suite 1000
999 Peachtree Street
Atlanta, GA 30309-3915

In re Application of YULAI *et al* U.S. Application No.: 12/308,045 PCT No.: PCT/IB2007/003358 Int. Filing Date: 04 June 2007 Priority Date: 05 June 2006 Docket No.: 15113.0019U4 For: MICROCAPSULES WITH IMPROVED SHELLS	:	**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.182 filed 14 December 2009.

BACKGROUND

On 24 September 2009, applicants submitted an executed declaration listing the name of one of the inventors as Lesek Alexa DEMONT. The inventor is listed as Lesek Alexa WEBBER on the international publication ("WO 2008/017962").

On 13 October 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required due to a discrepancy in the name of an inventor. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 14 December 2009, applicants filed the subject petition under 37 CFR 1.182 to change the name of the inventor which was accompanied by, *inter alia*, a statement by the inventor whose name had changed, a petition fee of $130.00 and authorization to charge Deposit Account No. 14-0629 any additional fees that may be required.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit

signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicants have provided a statement by the inventor whose name has changed. The statement lists both names and indicates that the change was as a result of a marriage. A $130.00 petition fee was paid by a credit card.

The fee for a petition under 37 CFR 1.182 is $400.00 pursuant to 37 CFR 1.17(f). The $400.00 petition fee has been charged to Deposit Account No 14-0629 as authorized. The $130.00 petition fee has been refunded to the credit card.

This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration submitted 24 September 2009 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 June 2007, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 24 September 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

3/4/09

In re Application of	:	
IZAWA, HIROTAKE	:	DECISION ON REQUEST TO
Application No. 12/308,079	:	PARTICIPATE IN PATENT
Filed: Dec. 5, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 082577	:	PROGRAM AND PETITION
For: MECHANICAL PENCIL	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed Feb. 26, 2009, to make the above-identified application special.

The request and petition are **dismissed**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition met all conditions except Item #6 above. The request to participate in the PPH pilot program and petition fail to include:

1. A copy of the Japanese Utility Model Application No. 102927/1979 (Laid-open No. 19382/1981) (Sadahiko IT0, Yoshimi HAYASHI), 20 February, 1981 (20.02.81), and Japanese Utility Model Application No. 136270/1980(Laid-open No. 57985/1982) (Pentel Co., Ltd.), 05 April, 1982 (05.04.82), DE 3040726 A & FR 2468471 A . These patent documents were cited in the corresponding PCT file PCT/JP2007/061178.

It is noted that during the prosecution in the JPO, there was no prior art references cited by the JPO patent examiner. The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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P.O. Box 1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

4/3/09

In re Application of	:	
IZAWA, HIROTAKE	:	DECISION ON REQUEST TO
Application No. 12/308,079	:	PARTICIPATE IN PATENT
Filed: Dec. 5, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08/2577	:	PROGRAM AND PETITION
For: MECHANICAL PENCIL	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed March 27, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h) of $130.00 has been paid.

The request to participate in the PPH pilot program and petition comply with the above requirements. The explanation of the missing patent documents in the renewed petition is noted. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Greg Huson, Art Unit 3751, and 571-272-4887.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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2 2 DEC 2009

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application of	:	
DOCKENDORF et al.	:	
Application No.: 12/308,083	:	DECISION ON PETITION
Int'l Filing Date: 08 June 2007	:	
Priority Date: 08 June 2006	:	
Attorney Docket No.: AMS-3021-US	:	UNDER 37 CFR 1.182
For: METHOD AND APPARATUS FOR LEVATOR DISTENSION REPAIR	:	

This is a decision on applicant's "Petition under 37 CFR 1.182" to change the name of an inventor filed on 21 October 2009 in the United States Patent and Trademark Office. The petition fee was paid.

Applicant submits declaration by the inventor Kelly Ann Chapman indicating that her name changed to Kelly Ann Chapman due to her marriage. This correction will appear in the USPTO records and appear on the patent as **Kelly Ann Chapman**.

The petition under 37 CFR 1.182 to change the respective inventor's name to **Kelly Ann Chapman** is **GRANTED**. The USPTO records will reflect this correction.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/308,086	12/05/2008	Ryuji Yoshiyama	2611-0314PUS1	4645

2292 7590 05/10/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
MCKENZIE, THOMAS B

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
05/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAY 10 2010

In re Application of	:	
Yoshiyama et al.	:	DECISION ON PETITION
Application No. 12/308,086	:	TO MAKE SPECIAL UNDER
Filed: 12/5/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. **2611-0314PUS1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/7/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 7 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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LOUIS C. PAUL
420 EAST 61st STREET, 8E
NEW YORK NY 10021

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JUN 0 5 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael Popovsky et al.	:	RENEWED
Application No. 12/308,108	:	DECISION ON PETITION
Filed: December 8, 2008	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 548-1013	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 8, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from a register practitioner that he has evidence that the applicant is 65 years of age or older as required under M.P.E.P. § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Newton Edwards at 571-272-6052.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

2 5 JUN 2009

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Sofer & Haroun LLP.
317 Madison Avenue, Suite 910
New York, NY 10017

In re Application of MOLITON (deceased) et al. Application No.: 12/308,132 PCT No.: PCT/FR2007/051590 Int. Filing Date: 04 July 2007 Priority Date: 06 July 2006 Attorney Docket No.: 979-421 For: AN OPHTHALMIC LENS INCORPORATING AN OPTICAL INSERT FOR PROJECTING INFORMATION	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 05 December 2008 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 04 July 2007, applicant filed international application PCT/FR2007/051590 which claimed a priority date of 06 July 2006. On 10 January 2008, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 06 January 2009 (thirty months from the priority date).

On 05 December 2008, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a declaration executed by Benjamin Rousseau as inventor and Cecile Bonafos, on behalf of deceased inventor, Renaud Moliton

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 05 December 2008 was executed by Cecile Bonafos as "executrix" to the deceased inventor, Renaud Moliton. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the executrix. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

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2 8 JAN 2009

BODNER & O'ROURKE, LLP
425 BROADHOLLOW ROAD, SUITE 108
MELVILLE, NY 11747

In re Application of WEILAND	:	
U.S. Application No.: 12/308,148	:	
PCT Application No.: PCT/EP2005/000881	:	
Int. Filing Date: 28 January 2005	:	DECISION
Priority Date Claimed: none	:	
Attorney Docket No.: 1374-54 PCT/US	:	
For: IMPLANT FOR TRANSFORAMINAL	:	
INTRACORPOREAL FUSION	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 05 December 2008.

BACKGROUND

On 28 January 2005, applicant filed international application PCT/EP2005/000881. A copy of the international application was communicated to the USPTO from the International Bureau on 03 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 28 July 2007.

On 29 July 2007, international application PCT/EP2005/000881 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 a translation of the international application into English must be filed.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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2 8 JAN 2009

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

In re Application of WILLIAMS et al	:	
U.S. Application No.: 12/308,168	:	
PCT Application No.: PCT/AU2007/000667	:	DECISION
Int. Filing Date: 17 May 2007	:	
Priority Date Claimed: 17 May 2006	:	
Attorney Docket No.: 012434-0002-999	:	
For: REDUNDANT MEDIA PACKET STREAMS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 09 December 2008.

BACKGROUND

On 17 May 2007, applicant filed international application PCT/AU2007/000667, which claimed priority of an earlier Australia application filed 17 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 22 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 17 November 2008.

On 18 November 2008, international application PCT/AU2007/000667 became abandoned as to the United States for failure to timely pay the basic national fee.

On 09 December 2008, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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2 3 DEC 2008

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www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:	
REVHEIM, Sven, et al.	:	
Application No.: 12/308,170	:	
PCT No.: PCT/NO2007/000112	:	DECISION
Int. Filing Date: 22 March 2007	:	
Priority Date: 23 March 2006	:	ON PETITION UNDER
Docket No.: 2008_2146A	:	
For: WELLBORE TOOL FOR FILLING,	:	37 CFR 1.137(b)
CIRCULATING AND BACKFLOWING	:	
FLUIDS	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 09 December 2008 is **GRANTED**.

Applicant's statement of unintentional delay is construed to mean that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). If this is not an accurate construction of applicant's statement, application must notify the Office immediately. The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee, or oath or declaration will be charged to deposit account no. 23-0975, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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BUCHANAN, INGERSOLL & ROONEY PC
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ALEXANDRIA VA 22313-1404

MAILED
JUN 09 2010
OFFICE OF PETITIONS

Applicant: Nuetzel et al.
Appl. No.: 12/308,179
International Filing Date: June 19, 2007
Title: MAGNET CORE AND METHOD FOR ITS PRODUCTION
Attorney Docket: 0070747-000019
Pub. No.: US 2009/0206975 A1
Pub. Date: August 20, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 20, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the publication reads
"The magnet core according to claim 1, wherein the pressing additive comprises one or more ceramic silicates are provided as a pressing additive."

rather than:
"The magnet core according to claim 1, wherein the pressing additive comprises one or more ceramic silicates."

37 CFR 1.221 (b) is applicable:

> "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" (*emphasis added*).

A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The instant request does not state why the identified error should be considered a material mistake in the publication made by the Office under 37 CFR 1.221(b). The error is in claim 9 is of duplication of language, not inclusion of a undesired limitation, nor omission of a desired limitation. While the disclosure contains minor errors, the scope of provisional rights that applicant may seek to enforce is not altered by the minor identified errors. It is not seen how these errors affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. Therefore, the instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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18 DEC 2008

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
WILLIAMS, et al.	:	
U.S. Application No.: 12/308,187	:	DECISION ON PETITION
PCT No.: PCT/AU07/00668	:	
Int. Filing Date: 17 May 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 17 May 2006	:	
Attorney Docket No.: 012434-0003-999	:	
For: TRANSMITTING AND RECEIVING MEDIA PACKET STREAMS	:	

The petition to revive under 37 CFR 1.137(b) filed 09 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
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2 3 MAR 2010

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Harness, Dickey & Pierce, P.L.C.
Post Office Box 8910
Reston, VA 20195

In re Application of	:	
KOO et al.	:	DECISION ON
Application No.: 12/308,369	:	
PCT No.: PCT/KR2007/002964	:	PAPERS
Int. Filing Date: 19 June 2007	:	
Priority Date: 19 June 2006	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 46500-000629/US/NPB	:	
For: METHOD AND APPARATUS FOR	:	
PROCESSING A VIDEO SIGNAL	:	

This is a decision on applicants submissions filed in the United States Patent and Trademark Office (USPTO) on 23 December 2009, which was accompanied by a declaration of the inventors. The indication in this declaration that inventor Han Suh KOO is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 June 2007, applicants filed international application PCT/KR2007/002964, which designated the United States and claimed a priority date of 19 June 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 27 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 December 2008.

On 12 December 2008, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 23 December 2009, applicants filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The indication in the declaration that inventor Han Suh KOO is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The submission filed 23 December 2009 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration filed 23 December 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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2 6 JAN 2009

Hoffman Wasson & Gitler, P.C
Crystal Center 2, Suite 522
2461 South Clark Street
Arlington, VA 22202-3843

In re Application of SCHMIDT, Heiko Application No.: 12/308,412 PCT No.: PCT/DE07/00787 Int. Filing Date: 03 May 2007 Priority Date: 10 May 2006 Attorney Docket No.: A-11217 For: JOINT BUSH	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 December 2008 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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CST

May 15, 2009

In re application of Rainer B. Frings et al Serial No. 12/308,656 Filed: December 19, 2008 For: HYPERBRANCHED POLYETHER POLYOL AND URETHANE RESIN COMPOSITION	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed March 11, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and

b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail because:

(1) The present application is a national stage application of PCT/JP2006/312327, wherein it appears that the PCT application contains no priority claim. This situation is covered in the Official Gazette Notice of December 28, 2007, specifically section II, A, b, (iii). In this example, the PCT was first filed, and from this PCT, a national stage application was filed in the US, and also a national stage application was filed in Japan.

The JPO applications with similar claims, Japanese Patent Application Nos. 2005-100813 and 2007-284650, do not appear to be the national stage applications of the PCT. Furthermore, the present application does not claim any foreign priority. Applicant has not provided the relationship of the JPO applications with similar claims and the present application.

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

Claim 1 of Japanese Application 2007-284650 includes the following limitations that have been deleted from claim 5 of the present application: Claim 1 of the JP application requires that the number of the secondary hydroxyl group (H2) in one molecule of the hyperbranched polyether polyol (A) is in a ratio of 20 to 70% based on the total number of a hydroxyl group in the molecule. Furthermore, claim 1 of both Japanese Patent Application Nos. 2005-100813 and 2007-284650 require that the hyperbranched polyol (A) has a number average molecular weight (Mn) of 1,000 to 3,500, whereas claims 1 and 5 of the present application require that the average molecular weight is 1,000 to 4,000.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within **ONE MONTH OR THIRTY DAYS**, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above. If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

June 29, 2009

In re application of Rainer B. Frings et al Serial No. 12/308,656 Filed: December 19, 2008 For: HYPERBRANCHED POLYETHER POLYOL AND URETHANE RESIN COMPOSITION	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed June 15, 2009.

The request and petition are **DENIED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(1) The present application is a national stage application of PCT/JP2006/312327, wherein it appears that the PCT application contains no priority claim. This situation is covered in the Official Gazette Notice of December 28, 2007, specifically section II, A, 1, b, (iii). In this example, the PCT was first filed, and from this PCT, a national stage application was filed in the US, and also a national stage application was filed in Japan.

However, in the present application, the JPO applications with similar claims, Japanese Patent Application Nos. 2005-100813 and 2007-284650, are not the national stage applications of the PCT.

Applicant asserts that as PCT/JP2006/312327, JP 2005-100813 and JP 2007-284650 share the same inventorship, and as the patented claims correspond with the instant claims, the request to participate in the PPH program should be granted. It is maintained, however, that the relationship of the JPO application that contains the patentable claims to the US application does not fall within the guidelines covered in the Official Gazette Notice of December 28, 2007.

Therefore, the petition fails to meet the required conditions to be accorded special status under the Patent Prosecution Highway Pilot Program, and is denied. The application will be taken up by the examiner in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

1 6 FEB 2010

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00136
JACOBSON HOLMAN PLLC
400 Seventh Street N.W.
Suite 600
Washington, DC 20004

In re Application of
GRAFF *et al*
U.S. Application No.: 12/308,755
PCT No.: PCT/DK2006/000374
Int. Filing Date: 26 June 2006
Priority Date: None
Attorney Docket No.: P72952US0
For: MULTI-PARAMETRIC CLASSIFICATION OF CARDIOVASCULAR SOUNDS

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the request for correction of inventorship filed 05 October 2009. This response is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 04 August 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) & (b). Applicants were given two months to respond.

On 05 October 2009, applicants filed a request to correct inventorship which was accompanied by, *inter* alia, a declaration executed by three inventors, a statement from all named inventors and a "Statement Under 37 C.F.R. 3.73."

DISCUSSION

Applicants request to remove Egon TOFT as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application. 37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being removed as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants provided a statement from Mr. TOFT stating that the error in inventorship occurred without deceptive intent. The $130.00 processing fee was paid. Applicants also provided a consent of assignee signed by Mr. Daniel Chapik as Director of COLOPLAST A/S, the assignee. The position of Director in a foreign corporation is presumed to have the authority to sign for the corporation. *See* MPEP § 324. Mr. Chapik states that an assignment is being concurrently recorded. A review of the application shows that an assignment for COLOPLAST A/S was recorded on 05 October 2009.

All items of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Mr. TOFT as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed with the subject response is in compliance with 37 CFR 1.497(a) & (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 June 2006 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 05 October 2009.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
Schmidt et al.	:	
Application No.: 12/308,756	:	
PCT No.: PCT/DK2006/000375	:	
Int. Filing Date: 26 June 2006	:	DECISION
Priority Date: 26 June 2006	:	
Attorney Docket No.: P72953US0	:	
For: Method For Segmenting A Cardiovascular Signal	:	

This is in response to the "Request For Correction Of Inventorship" filed on 31 August 2009, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 26 June 2006, claimed no earlier priority date, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 03 January 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 December 2008. Applicant filed *inter alia* the basic national fee on 23 December 2008.

On 29 June 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Counsel requests that Egon Toft be deleted as an inventor; this request is properly treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497(d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided appropriate an appropriate statement.

Regarding requirement (2), the required $130.00 processing fee has been paid.

Regarding requirement (3), applicants have presented a "Statement Under 37 C.F.R. 3.73" signed by Daniel Chapik, who asserts that he "is authorized to act on behalf of the assignee." Mr. Chapik states that the "assignee hereby consents to the correction of inventorship

of the patent application identified above to delete Egon TOFT." Mr. Chapik identifies COLOPLAST A/S as the "assignee of the entire right, title and interest" in this application. He further asserts that documentary evidence of the chain of title was submitted concurrently for recordation, and review of the assignment records of the USPTO corroborates this statement.

DECISION

The declaration filed on 31 August 2009 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **31 August 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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SUITE 101
RESTON VA 20191

In re Application of Komine et al. Application No.: 12/308,766 PCT No.: PCT/JP2007/063600 Int. Filing Date: 06 July 2007 Priority Date: 11 July 2006 Attorney Docket No.: 99V-007-TN For: System For Monitoring Component Of An Operating Machine	DECISION

This is in response to the declaration of the inventors filed on 17 March 2009, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 06 July 2007, claimed an earlier priority date of 11 July 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 17 January 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 11 January 2009. Applicants filed, *inter alia*, the basic national fee on 23 December 2008.

DISCUSSION

Review of the declaration filed on 17 March 2009 reveals that it indicates joint inventor Atsutomo KOMINE to be "deceased." 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration is signed on behalf of Atsutomo Komine by Michiko Komine, Keisuke Komine and Chihiro Saito in the capacity of "legal representative." The declaration lists citizenship, residence and mailing address data for each of the nominated legal representatives and for the deceased inventor. The declaration also nominates and is signed by the other joint inventors. This declaration is acceptable under 37 CFR 1.42, and is accepted for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED** under 37 CFR 1.42.

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **17 March 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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2 8 APR 2009

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William Elliott
2 Darian Ct.
Sterling VA 20165

In re Application of:
ELLIOTT, William
Application No.: 12/309,019
PCT No.: PCT/US05/04566
Int. Filing Date: 14 February 2005
Priority Date: 13 February 2004
Attorney Docket No.:DarkHorse-001
For: WEAPON BALL STOCK WITH INTEGRATED WEAPON ORIENTATION

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 02 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The 02 January 2009 submission included an executed declaration. However, this declaration is not in compliance with 37 CFR 1.497. Specifically, the five page declaration document submitted appears to be a compilation of multiple copies of the declaration.[1] Such compilation is impermissible. (See MPEP § 201.03: "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.") Accordingly, a declaration in compliance with 37 CFR 1.497 is still required.

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[1] This is evidenced by the unusual layout of the "Additional Inventor(s) Supplemental signature pages (page "1 of 2" and "2 of 2" have only one signature block completed, with the second and third signature block on the page left blank).

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 is required.

Anthony Smith
Attorney-Advisor
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3 1 JUL 2009

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65232
Matthew J. Esserman
1414 S. Penn Sq. Unit 20F
Philadelphia, PA 19102

In re Application of	:	
WANG *et al*	:	
U.S. Application No.: 12/309,085	:	
PCT No.: PCT/US2007/015401	:	**DECISION**
Int. Filing Date: 03 July 2006	:	
Priority Date: 03 July 2005	:	
Attorney's Docket No.: 06-40003-US	:	
For: LED MATRIX DRIVING DEVICE	:	

This is a decision on the petition under 37 CFR 1.10(c) filed 13 January 2009. No petition fee is required.

BACKGROUND

Applicants filed papers to enter the national stage of international application PCT/US2007/015401. These papers were deemed as received by the USPTO on 06 January 2009.

On 13 January 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail label No. EM038548967US and a copy of the USPS payment receipt.

On 30 July 2009, after being contacted by the undersigned, applicants submitted I a color copy of the Express Mail label via email.

DISCUSSION

Applicants claim that the above-captioned application was originally submitted with the USPS using Express Mail on 05 January 2009. The application file indicates a date of receipt of 06 January 2009.

Any correspondence received by the United States Patent and Trademark Office ("Office") delivered by Express Mail will be considered filed in the Office on the date of deposit with the USPS. 37 CFR § 1.10(a). Moreover, 37 CFR § 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date

of deposit as shown by the "date - in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date - in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date - in," and of any other official notation by the USPS relied upon to show the date of deposit.

The petition is promptly filed. The Express Mail label number is listed on the IDS filed with the original papers which indicates a date of deposit of 05 January 2009. Applicants included a copy of the Customer Copy of Express Mail label No. EM038548967US which is stamped by the USPS in Philadelphia, PA on 05 January 2009[1]. This stamp is considered official notation of the USPS and meets the criteria of item (3) above. All items of 37 CFR 1.10(c) are complete.

This evidence is acceptable for a grantable petition under 37 CFR 1.10(c).

CONCLUSION

Applicants' petition pursuant to 37 CFR 1.10(c) is **GRANTED**.

The original application papers should be stamped as received on 05 January 2009 pursuant to 37 CFR 1.10(a).

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

James Thomson

James Thomson

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[1] The copy of Express Mail label No. EM038548967US submitted with the subject petition was fuzzy, making it difficult to determine the date stamped on the face by the USPS. Applicant resubmitted a color copy of Express Mail label No. EM038548967US to the undersigned via email on 30 July 2009. The clarity on the email submission clearly indicates that the documents were stamped as received by the USPS on 05 January 2009.

12/309,085

Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

EM 038548967 US

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Label 11-F, April 2004

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1 0 MAR 2010

00136
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Washington, DC 20004

In re Application of
PETERKA *et al*
U.S. Application No.: 12/309,135
PCT No.: PCT/EP2007/056890
Int. Filing Date: 06 July 2007
Priority Date: 11 July 2006
Docket No.: P71377US1
For: METHOD FOR INFLUENZA VIRUS PURIFICATION

DECISION

This decision is in response to applicants' "Petition Under 37 C.F.R. 1.182 To Change Inventor's Name" filed 04 January 2010.

BACKGROUND

On 02 September 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 04 January 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $130.00 petition fee, an executed declaration listing the fifth-named inventor as Elisabeth MAURER, an ADS, a two-month extension of time and fee, and authorization to charge any required fee to Deposit Account No. 06-1358.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicants have provided a certified copy (with English translation) of a marriage certificate indicating that co-inventor, Elisabeth MAURER name had been changed due

to marriage to Elisabeth RÖTHL on 21 June 2008. It is noted that the petition fee under 37 CFR 1.182 is $400.00 pursuant to 37 CFR 1.17(f). The $270.00 difference has been charged to Deposit Account No. 06-1358 as authorized.

This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 to change the name of the inventor to Elisabeth RÖTHL is **GRANTED**.

The declaration listing fifth-named inventor as Elisabeth MAURER and signed as Elisabeth RÖTHL is acceptable. *See* MPEP 605.04(b). The declaration filed 04 January 2010 is in compliance with 37 CFR 1.497(a) & (b).

This application is being forwarded to DO/EO/US for further processing.

James Thomson

James Thomson
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2 1 APR 2010

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Nancy Chiu Wilker, Ph.D.
Chief Intellectual Property Counsel
CELL SIGNALING TECHNOLOGY, INC.
3 Trask Lane
Danvers MA 01923

In re Application of	DECISION ON
Hornbeck et al	
Application No. 12/309,311	
PCT No.: PCT/US07/073537	
Int. Filing Date: 13 July 2007	
Priority Date: 13 July 2006	PETITION UNDER
Attorney's Docket No.: CST-247	
For: Reagents for the Detection of Protein...	
Signaling Pathways	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b)," filed on 04 February 2010.

BACKGROUND

On 13 July 2007, this international application was filed, claiming an earliest priority date of 13 July 2006. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 13 January 2009.

On 13 January 2009, applicants filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 19 June 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date... in that it: Oath not signed by inventor Hornbeck." The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 04 September 2009, applicants submitted a response to the Notice of Missing Requirements, which included an executed declaration.

On 14 December 2009, the USPTO mailed a NOTIFICATION OF DEFECTIVE RESPONSE (PCT/DO/EO/916) indicating that the current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: Declaration/Oath has page four twice; not acceptable. Please submit full set.

On 04 February 2010, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and a properly executed declaration. The petition under 37 CFR 1.137(b) was filed because the application became abandoned for failure to timely file the required response.

On 16 March 2010, the United States Patent and Trademark Office prematurely mailed the Notification of Acceptance (PCT/DO/EO/903) since the application was abandoned.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting a properly executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1) - (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **04 February 2010.** **The Notification of Acceptance prematurely mailed on 16 March 2010 remains in effect as it has the correct information**.

Rafael Bacares
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PCT Legal Office
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Facsimile : (571) 273-0459

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CST

August 4, 2009

In re application of Hideaki Ishizawa et al Serial No. 12/309,324 Filed: January 14, 2009 For: ADHESIVE FOR ELECTRONIC COMPONENTS, METHOD FOR MANUFACTURING SEMICONDUCTOR CHIP LAMINATE, AND SEMICONDUCTOR DEVICE	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 17, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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In re Application of
Abraham Nudelman

Application No. 12309361

Filed: February 12,2010

Attorney Docket No. 45328

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 10-MAY-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

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28107
JORDAN AND HAMBURG LLP
122 East 42nd Street
Suite 4000
New York, NY 10168

In re Application of FU *et al* U.S. Application No.: 12/309,375 PCT No.: PCT/DE2007/001132 Int. Filing Date: 26 June 2007 Priority Date: 01 July 2006 Docket No.: F-9974 For: CERAMIC MATERIAL COMBINATION FOR AN ANODE OF A HIGH-TEMPERATURE FUEL CELL	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 15 January 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 04 March 2009.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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11 MAR 2009

JACOBSON HOLMAN PLLC
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WASHINGTON, DC 20004

In re Application of KUHAJDA et al	:	
U.S. Application No.: 12/309,418	:	
PCT Application No.: PCT/US2006/028981	:	
Int. Filing Date: 26 July 2006	:	
Priority Date Claimed: 26 July 2005	:	
Attorney Docket No.: P71524US1	:	DECISION
For: NOVEL COMPOUNDS,	:	
PHARMACEUTICAL COMPOSITIONS	:	
CONTAINING SAME, AND METHODS OF	:	
USE FOR SAME	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 16 January 2009.

BACKGROUND

On 26 July 2006, applicant filed international application PCT/US2006/028981, which claimed priority of an earlier United States application filed 26 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 26 January 2008.

On 27 January 2008, international application PCT/US2006/028981 became abandoned as to the United States for failure to timely pay the basic national fee.

On 16 January 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 6 MAR 2009

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
KUHAJDA et al.	:	
Application No.: 12/309,419	:	DECISION
PCT No.: PCT/US2006/028979	:	
Int. Filing Date: 26 July 2006	:	
Priority Date: 26 July 2005	:	
Attorney Docket No.: P71496US1	:	
For: NOVEL COMPOUNDS, PHARMACEUTICAL	:	
COMPOSITIONS CONTAINING SAME, AND	:	
METHODS OF USE FOR SAME	:	

This decision is in response to applicants' submission filed 16 January 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 26 July 2006, applicant filed international application PCT/US2006/028979 which designated the U.S. and claimed a priority date of 26 July 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 01 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 January 2008 (26 January 2008 being a Saturday).

On 16 January 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;

(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 16 January 2009.

As to item (2), applicant submitted the petition fee on 16 January 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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05 FEB 2009

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Jacobson Holman PLLC
400 Seventh Street N.W.
Suite 600
Washington, D.C. 20004

In re Application of KUHAJDA et al. Application No.: 12/309,422 PCT No.: PCT/US06/28980 Int. Filing Date: 26 July 2006 Priority Date: 26 July 2005 Attorney Docket No.: P71494US1 For: METHOD OF REDUCING FOOD INTAKE	: : : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 16 January 2009 in the above-captioned application is hereby GRANTED as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

1 OCT 2009

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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

In re Application of	:	
SCHWARTZ, C. Eric, et al.	:	
Application No.: 12/309,430	:	DECISION
PCT No.: PCT/US2007/016338	:	
Int. Filing Date: 19 July 2007	:	ON PETITION UNDER
Priority Date: 19 July 2006	:	
Docket No.: 103848-0002-301	:	37 CFR 1.10(c)
For: COMPOSITIONS AND METHODS FOR	:	
THE TREATMENT OF MUCOSITIS	:	

This decision is in response to applicant's Request to Correct Filing Date, filed in the United States Patent and Trademark Office on 04 September 2009. It has been treated as a Petition Under 37 CFR 1.10(c) to correct the receipt date.

BACKGROUND

Applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, the basic national fee and a declaration of the inventors. It was accorded a receipt date of 16 January 2009.

On 04 September 2009, applicant filed a petition to correct the receipt date and filed a declaration of the inventors.

DISCUSSION

In this petition, applicant requests that the receipt date of this application be amended to 15 January 2009. The "date in" field on the Express Mail label reads "01/15/09". The requirements for a petition to correct a receipt date based on Express Mail records are set forth in 37 CFR 1.10(c). The section states as follows:

> (c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Items (1), (2) and (3) have been met. The petition was filed promptly. The Express Mail mailing label number was listed on the correspondence. Applicant has furnished a copy of the Express Mail mailing label, bearing the USPS postmark and "date in".

CONCLUSION

For the reasons listed above, applicant's petition under 37 CFR 1.10(c) to correct the receipt date of the filing to 15 January 2009 is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision, including review of the declaration of the inventors.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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1 3 NOV 2009

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01933
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

In re Application of :
BUNK *et al* :
Application No.: 12/309,441 :
PCT No.: PCT/EP2007/057534 :
Int. Filing Date: 20 July 2007 :
Priority Date: 28 July 2006 : **DECISION**
Attorney Docket No.: 08881/MJC :
For: LUMINOUS BODY FOR AN :
INCANDESCENT LAMP AND METHOD :
FOR ITS PRODUCTION :

This is a decision on the declaration filed with the national stage papers on 16 January 2009 which has been treated as a petition under 37 CFR 1.42.

BACKGROUND

On 16 January 2009, applicants filed papers to enter the national stage of PCT/EP2007/057534 which were accompanied by, *inter alia*, a declaration signed by two of the three named inventors and the heir of a deceased joint inventor.

DISCUSSION

Christa Bunk executed the declaration for deceased co-inventor, Axel Bunk as an heir. 37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The papers filed under 37 CFR 1.42 are not accepted for the following reasons:

The citizenship information of the deceased inventor must be recorded on the declaration pursuant to 37 CFR 1.497(a)(3). Applicants must provide a statement that Christa Bunk is the sole heir of the deceased inventor and that she is acting as his legal representative. Applicants must also state whether the jurisdiction requires that a legal representative be appointed for the deceased inventor. *See* MPEP § 409.01.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 8 APR 2010

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01933
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

In re Application of :
BUNK *et al* :
Application No.: 12/309,441 :
PCT No.: PCT/EP2007/057534 :
Int. Filing Date: 20 July 2007 :
Priority Date: 28 July 2006 : **DECISION**
Attorney Docket No.: 08881/MJC :
For: LUMINOUS BODY FOR AN :
INCANDESCENT LAMP AND METHOD :
FOR ITS PRODUCTION :

This is a decision on the papers filed 09 February 2010 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 13 November 2009, a decision dismissing applicants' petition pursuant to 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 09 February 2010, applicant filed a response which was accompanied by, *inter alia*, a one-month extension and fee and a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The prior declaration was not accepted because:

(1) the citizenship information of the deceased inventor was not recorded on the declaration pursuant to 37 CFR 1.497(a)(3);

(2) applicants must provide a statement that Christa Bunk is the sole heir

and that she is acting as his legal representative; and,

(3) applicants must state whether the jurisdiction requires that a legal representative be appointed for the deceased inventor. *See* MPEP § 409.01.

In the response to decision, applicants submitted a declaration with an attachment executed by Christa Bunk as legal representative for the community of heirs of deceased co-inventor, Axel Bunk. The declaration provides the citizenship, residence and address of the legal representative along with the other three heirs. The citizenship of the deceased inventor was also recorded on the declaration.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

The declaration filed 09 February 2010 is in compliance with 37 CFR 1.497(a) and (b). This application is being forwarded to DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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16 MAR 2009

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
901 New York Avenue
Washington, DC 20001-2009

In re Application of HELD *et al* U.S. Application No.: 12/309,465 PCT No.: PCT/EP2006/009487 Int. Filing Date: 29 September 2005 Priority Date: 20 October 2005 Docket No.: 04435.0004 For: VEHICLE WITH A RUNNING BOARD	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 21 January 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT and TRADEMARK OFFICE

2 9 OCT 2009

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

In re Application of	:	DECISION ON
KOISHI et al	:	
Application No.: 12/309,521	:	
PCT No.: PCT/JP2007/064558	:	PETITION UNDER
Int. Filing Date: 25 July 2007	:	
Priority Date: 25 July 2006	:	
Attorney Docket No.: 140213	:	37 CFR 1.182
For: CONVERSION MATRIX... APPARATUS	:	

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.182 FOR CHANGE OF NAME OF INVENTOR" filed on 25 June 2009. The petition fee of $400.00 has been paid by check.

BACKGROUND

On 22 January 2009, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant provided an executed declaration as required under 35 U.S.C. 371(c)(4) but the name on the declaration lists Erika, which is then name listed on the International Application (Erika KANEMATSU).

On 19 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... applicants name is not the same on the oath or on the international application" It also stated that items set forth above must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 25 June 2009, petitioner submitted the instant petition, which included an affidavit in support of the name change of the inventor from Erika KANEMATSU to Erika KOISHI. In addition, the declaration has been signed by "Erika KOISHI."

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has been paid by check.

With respect to item (2), petitioner has provided with the petition with an affidavit from Erika KOISHI explaining her named changed from Erika KANEMATSU (maiden name) to Erika KOISHI (married named), and sets forth the procedure whereby the change of name was effected. She has also signed affidavit signed under Erika KOISHI. Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **22 January 2009.**

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BC

November 16, 2009

In re application of Ji Heon Ryu et al. Serial No. 12/309,549 Filed: January 22, 2009 For: ELECTRODE ASSEMBLY HAVING TAB--LEAD JOINT PORTION OF MINIMIZED RESISTANCE DIFFERENCE BETWEEN ELECTRODES AND ELECTROCHEMICAL CELL CONTAINING THE SAME	:DECISION ON REQUEST TO :PARTICIPATE IN PATENT :PROSECUTION HIGHWAY :PROGRAM AND :PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(d) : : :

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed September 29, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/309,592	01/23/2009	Toyoaki Yasui	2009_0109A	7747

513 7590 05/12/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
05/12/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
eoa@wenderoth.com

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of: YASUI, TOYOAKI et al Serial No.: 12/309,592 Filed: Jan. 23, 2009 Docket: 2009_0109A Title: GAS-COMPRESSOR IMPELLER AND GAS COMPRESSOR HAVING THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Ed Look, the SPE of Art Unit 3745, and 571-272-4820 for Class 415 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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18 SEP 2009

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In re Application of:	:	
ICHIKAWA, Shinji, et al.	:	DECISION
U.S. Application No.: 12/309,643	:	(37 CFR 1.181)
PCT No.: PCT/JP2007/062839	:	
International Filing Date: 20 June 2007	:	
Priority Date: 31 July 2006	:	
Atty Docket No.: 140264	:	
For: POWER SUPPLY SYSTEM ...	:	
TEMPERATURE RISE CONTROL	:	
OF POWER STORAGE DEVICE	:	

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 25 June 2009, treated herein as a petition under 37 CFR 1.181 to confirm the previous filing of an executed declaration in compliance with 37 CFR 1.497. No petition fee is required.

BACKGROUND

On 20 June 2007, applicants filed international application PCT/JP2007/062839. The international application claimed a priority date of 31 July 2006, and it designated the United States. On 07 February 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 31 January 2009.

On 26 January 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and a translation into English of the international application.

On 19 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 25 June 2009, applicants filed the "Response To Notification Of Missing Requirements" treated herein as a petition under 37 CFR 1.181. The submission asserts that applicants included an executed declaration with the original application materials filed 26 January 2009, and it includes a copy of the declaration and a return postcard which itemizes the declaration and bears a USPTO receipt stamp dated 26 January 2009.

On 28 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 25 June 2009. Also on 28 August 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 25 June 2009.[1]

DISCUSSION

In view of applicant's statements in the present petition and return receipt itemizing the declaration and bearing a USPTO receipt stamp dated 26 January 2009, it is concluded that the executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) was originally filed herein on 26 January 2009 (see MPEP section 503). A copy of this declaration was included with the present petition filed on 25 June 2009,

Based on the above, the Notification Of Acceptance and filing receipts mailed herein, which identified the 35 U.S.C. 371(c) date as 2 June 2009, are appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 26 January 2009.

CONCLUSION

The petition under 37 CFR 1.181 to confirm the submission of an executed declaration on 26 January 2009 is **GRANTED**.

The executed declaration completing the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), a copy of which was included with the materials filed on 25 June 2009, will be treated as having been filed herein on 26 January 2009.

The Notification Of Acceptance mailed 28 August 2009 and the filing receipts mailed herein, which identified the 35 U.S.C. 371(c) date as 25 June 2009, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 26 January 2009.

Richard M. Ross
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Telephone: (571) 272-3296
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[1] On 14 September 2009, a corrected filing receipt was issued in which the priority information for the application was revised. The corrected filing receipt also identified the 35 U.S.C. 371(c) date as 25 June 2009.

UNITED STATES PATENT AND TRADEMARK OFFICE

16 MAR 2009

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United States Patent and Trademark Office
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20741
HOFFMAN, WASSON & GITLER, P.C.
2461 South Clark Street, Suite 522
Arlington, VA 22202-3843

In re Application of SUZUKI, Heido U.S. Application No.: 12/309,685 PCT No.: PCT/JP2007/052430 Int. Filing Date: 05 February 2007 Priority Date: 31 March 2006 Docket No.: A-11259 For: COUPLING MECHANISM	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 27 January 2009 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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CST

February 16, 2010

In re application of Myoung Hwan Oh et al Serial No. 12/309,694 Filed: January 27, 2009 For: CERIUM OXIDE POWDER,.METHOD FOR PREPARING THE SAME, AND CMP SLURRY COMPRISING THE SAME	: : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on December 18, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

2 1 SEP 2009

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	
BANKWITZ, Uwe, et al.	:	
U.S. Application No.: 12/309,734	:	DECISION ON PETITION UNDER
PCT No.: PCT/EP2007/059022	:	37 CFR 1.47(a)
International Filing Date: 30 August 2007	:	
Priority Date: 30 August 2006	:	
Atty's Docket No.: 140330	:	
For: SILICONE COMPOSITIONS	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 11 September 2009. Applicants have paid the required petition fee.

BACKGROUND

On 30 August 2007, applicants filed international application PCT/EP2007/059022. The international application claimed a priority date of 30 August 2006, and it designated the United States. On 06 March 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 February 2009.

On 28 January 2009, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 31 August 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 11 September 2009, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the surcharge for filing the declaration later than thirty months after the priority date, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of co-inventor Davide BIANCHI, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the four inventors of record, and the declaration included an unsigned signature block for the non-signing inventor, Davide BIANCHI. However, the declaration contains an unacceptable hand-written alteration. Specifically, the name of the non-signing inventor, Davide BIANCHI has been crossed out. Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration (see MPEP 605.04(a)). Moreover, the specific alteration made here, even if properly dated and initialed, would still render the declaration unacceptable because the alteration removes the non-signing inventor from the declaration. In view of such alteration, it cannot be concluded that the present declaration was executed by the inventors on their own behalf and on behalf of the non-signing inventor.

A newly executed declaration in compliance with 37 CFR 1.497 is required from the three signing inventors. Such declaration must include an unsigned signature block for the non-signing inventor (including the inventor's name and citizenship) in which the non-signing inventor's name has not been crossed out. Until such a declaration is provided, item (3) of a grantable petition is not satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, demonstrating that a request for signature accompanied by a copy of the complete application was forwarded to the non-signing inventor at his last known address, that the request was received by the inventor, and that the inventor failed to provide the signed declaration in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (3) of a grantable petition, as discussed above and in the MPEP (i.e., a newly-executed declaration in compliance with 37 CFR 1.497 that may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor). No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

10 NOV 2009

Commissioner for Patents
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	
BANKWITZ, Uwe, et al.	:	
U.S. Application No.: 12/309,734	:	DECISION ON RENEWED
PCT No.: PCT/EP2007/059022	:	PETITION UNDER
International Filing Date: 30 August 2007	:	37 CFR 1.47(a)
Priority Date: 30 August 2006	:	
Atty's Docket No.: 140330	:	
For: SILICONE COMPOSITIONS	:	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 20 October 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 21 September 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable declaration executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor (the declaration filed by applicants' was unacceptable due to the inclusion of handwritten alterations).

On 20 October 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition filed by applicants on 20 October 2009 was accompanied by a revised declaration executed by three of the four inventors of record. The declaration includes an unsigned signature block for the non-signing inventor.

The declaration filed 20 October 2009 may be accepted as having been executed by the cooperating inventors on their own behalf and on behalf of the non-signing inventor. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition is appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor David BIANCHI.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 October 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

1 0 NOV 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
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Davide BIANCHI
16125 Via Monte Popera
Milan, ITALY 20

In re Application of: BANKWITZ, Uwe, et al.
U.S. Application No.: 12/309,734
PCT No.: PCT/EP2007/059022
International Filing Date: 30 August 2007
Priority Date: 30 August 2006
Atty's Docket No.: 140330
For: SILICONE COMPOSITIONS

Dear Mr. BIANCHI:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Counsel Of Record:
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
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13 MAR 2009

LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

In re Application of	:	
DAVIDSON, et al.	:	
Application No.: 12/309,737	:	
PCT No.: PCT/US06/19746	:	DECISION ON PETITION
Int. Filing Date: 22 May 2006	:	
Priority Date: 12 August 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 24709.00	:	
For: TOILET PLUNGER CLEANING RECEPTACLE	:	

The petition to revive under 37 CFR 1.137(b) filed 04 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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13 FEB 2009

Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington,VA 22203

In re Application of ARKWRIGHT et al. Application No.: 12/309,742 PCT No.: PCT/AU07/01018 Int. Filing Date: 23 July 2007 Priority Date: 26 July 2006 Attorney Docket No.: PTB-267-103 For: AN APPARATUS FOR PRESSURE SENSING	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/309,775	03/05/2009	Jutta Kloewer	F-9961	2075

28107 7590 07/19/2010
JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

EXAMINER
LEE, REBECCA Y

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
07/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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July 19, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Jutta Kloewer et al.	:	PARTICIPATE IN PATENT
Serial No. 12/309,775	:	PROSECUTION HIGHWAY
Filed: March 05, 2009	:	PROGRAM AND
For: NICKELY-BASED ALLOY	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed May 17, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA, note where the DPMA application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the DPMA application with similar claims and the DPMA priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the DPMA application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DPMA application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

a copy of the office action(s) from each of the DPMA application(s) containing the allowable/patentable claim(s);

b. An English language translation of the DPMA Office actions; and

c. A statement that the English translation is accurate.

(6) Applicant must submit:

a. An IDS listing the documents cited by the DPMA examiner in the DPMA Office action (unless already submitted in this application)

b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

10 APR 2009

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James W. Hiney
P.O.BOX 818
Middleburg VA 20118

In re Application of
Potter et al.
Application No. 12/309,786
PCT No.: PCT/GB2007/002169
Int. Filing Date: 11 June 2007
Priority Date: 10 June 2006
Att. Docket No.: IN 5
For: Non-Contact Apparatus For Monitoring The Height Of Contents Of A Moving Container, A Monitoring Station Including The Apparatus And..

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 28 January 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 28 January 2009 is defective because it includes an un-initialed alteration of inventor Dixon's name.

This application is being forwarded to the Office of Patent Application Processing for further proceedings, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

1 7 DEC 2009

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ALEXANDRIA VA 22320-4850

In re Application of	:	
NUMATA	:	
U.S. Application No.: 12/309,837	:	DECISION ON PETITION
PCT No.: PCT/IB2007/002592	:	
Int. Filing Date: 10 September 2007	:	UNDER 37 CFR 1.181
Priority Date: 11 September 2006	:	
Attorney Docket No.: 140109	:	
For: FUEL CELL	:	

This decision is in response to applicant's "Request For Correction of Notice of Acceptance" filed 09 November 2009 in the United States Patent and Trademark Office (USPTO). The petition is being considered pursuant to 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 11 September 2007, applicant filed international application PCT/IB2007/002592, which claimed priority of an earlier application filed 11 September 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 20 March 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 March 2009.

On 30 January 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a signed declaration of the inventor; a first preliminary amendment; an Application Data Sheet and an Information Disclosure Statement. Applicant did not make an express to begin national examination procedures.

On 21September 2009, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) and official filing receipt indicating a date of 09 May 2009 as the completion of all 35 U.S.C. 371 requirements.

On 09 November 2009, applicant filed the petition considered herein.

DISCUSSION

A review of the Form PCT/DO/EO/903 mailed 21 September 2009 finds that the priority date for the application was incorrectly entered as 09 November 2006 instead of 11 September

2006 resulting in the date of 09 May 2009 being incorrectly entered on the form. Therefore, it is proper to grant applicant's petition and have a new notice of acceptance and official filing receipt issued to applicant.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/903 mailed 21 September 2009 is hereby **VACATED**.

The application has an international filing date of 10 September 2006 under 35 U.S.C. 363 and will be given a date of **11 March 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a filing receipt indicating the 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

04 FEB 2009

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KENNETH MARVIN DANIELS
19473 WEST 9 MILE ROAD
SOUTHFIELD, MI 48075

In re Application of DANIELS U.S. App.: 12/309,850 PCT No.: PCT/US06/45560 In. Filing Date: 29 November 2006 Priority Date: 30 November 2005 Atty. Docket No.: NONE For: DETACHABLE BICYCLE FRAME	: : : : : : :	DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 10 December 2008. The petition is **GRANTED.**

Applicants' statement that "I unintentionally let my patent application become abandoned" has been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

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14 APR 2009

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IRVINE CA 92614

In re Application of	:	
LIETEN et al.	:	
Application No.: 12/309,939	:	DECISION ON
PCT No.: PCT/EP2007/006050	:	
Int. Filing Date: 09 July 2007	:	PETITION UNDER
Priority Date: 27 July 2006	:	
Attorney Docket No.: IMEC449.001APC	:	37 CFR 1.137(b)
For: DEPOSITION OF GROUP-III NITRIDES ON GE	:	

This decision is in response to applicants' submission filed 02 February 2009.

BACKGROUND

On 09 July 2007, applicants filed international application PCT/EP2007/006050 which designated the U.S. and claimed a priority date of 27 July 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 31 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 January 2009.

On 02 February 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basis national fee on 02 February 2009.

As to item (2), applicant submitted the petition fee on 02 February 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 02 February 2009 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for providing the oath or declaration later than thirty months from the priority has been charged to Deposit Account 11-1410.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Application of	:	
FISHLER, et al.	:	
U.S. Application No.: 12/309,947	:	DECISION ON PETITION
PCT No.: PCT/IL07/00965	:	
Int. Filing Date:02 August 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 03 August 2006	:	
Attorney Docket No.: 27601U	:	
For: METHOD, DEVICE AND SYSTEM FOR WATER TREATMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 04 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventors is required.

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0 4 FEB 2010

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WESTBOROUGH MA 01581

In re Application of:	:	
MOSCA, Timo, et al.	:	
U.S. Application No.: 12/310,004	:	DECISION ON REQUEST UNDER
PCT No.: PCT/EP2007/058286	:	37 CFR 1.497(d)
International Filing Date: 09 August 2007	:	
Priority Date: 15 August 2006	:	
Atty Dkt No.: FRM-074US	:	
For: TAPE STRIPPING MACHINE	:	

This decision is issued in response to the "Response To Notice To File Missing Requirements" filed 23 November 2009, treated in part herein as a request to add an additional inventor under 37 CFR 1.497(d). Deposit Account No 50-3596 will be charged the required $130 processing fee.

BACKGROUND

On 09 August 2007, applicants filed international application PCT/EP2007/058286. The application claimed a priority date of 15 August 2006, and it designated the United States. On 09 August 2007, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 15 February 2009. The published international application identified two applicant/inventors for the U.S.: Timo MOSCA and Lorenz HELMRICH.

On 06 February 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 22 September 2009, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 23 November 2009, applicants filed the "Response To Notice To File Missing Requirements" considered in part herein as a request to add an additional inventor under 37 CFR 1.497(d). Among the materials filed by applicants was payment of the required surcharge for late-filing of the declaration and a declaration executed by the two inventors of record, as well as a third inventor, Peter LUDTKE.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

The declaration filed by applicants on 23 November 2009 names an inventive entity different than that set forth in the international application. Specifically, Peter LUDTKE has been added as an inventor. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be added as an inventor, as well as the authorization to charge Deposit Account No.50-3596 for required fees (pursuant to which such Deposit Account will be charge the required $130 processing fee). Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied.

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**. The inventorship of record herein is corrected to add Peter LUDTKE as an additional inventor of record.

In view of this correction of inventorship, the declaration filed on 23 November 2009 (which includes Peter LUDTKE as an additional inventor) is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 November 2009.

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2 1 MAY 2010

Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
MATHEWSON et al.
Application No.: 12/310,012
PCT No.: PCT/GB2006/003068
Int. Filing Date: 16 August 2006
Priority Date: None
Atty. Docket No.: SCS-550-1128
For: BIT ORDERING FOR PACKETISED SERIAL DATA TRANSMISSION ON AN INTEGRATED CIRCUIT

DECISION

This decision is issued in response to applicant's "Request for Correction of Filing Receipt" filed 08 October 2009 and applicant's "Second Request for Correction of Filing Receipt" dated 10 December 2009, which are being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 06 February 2009, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; a preliminary amendment; and an executed declaration of inventorship.

On 24 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 01 June 2009 and a 35 U.S.C. 371 completion date of 01 June 2009.

On 08 October 2009, applicant filed "Request for Correction of Filing Receipt."

On 10 December 2009, applicant filed "Second Request for Correction of Filing Receipt." An additional copy of the "Second Request for Correction of Filing Receipt" was submitted on 25 January 2010.

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 01 June 2009 to 06 February 2009. The actual filing date of the present application is the international filing date, i.e., 16 August 2006. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicant states in their present petition that a declaration was received at the United States Patent and Trademark Office on 06 February 2009. A review of the present application reveals that the declaration and power of attorney filed 06 February 2009 is located therein. Further, section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

> "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The accompanying copy of the post card receipt identifies the application by applicant, title of invention, and attorney docket number. The receipt itemizes, among other materials, the requisite basic national fee; a copy of the international application; a preliminary amendment; and an executed declaration. The receipt is stamped "Rec'd PCT 06 FEB 2009" across its face and is sufficient to indicate that the declaration was in fact received in the Office on 06 February 2009. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 06 February 2009 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 06 February 2009. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 24 September 2009 is hereby **VACATED**.

The application has an international filing date of 16 August 2006 under 35 U.S.C. 363 and a date of 06 February 2009 under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 06 February 2009 under 35 U.S.C. 371(c) and preparation and

mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 06 February 2009.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony R

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0 9 MAR 2009

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SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
MEENAVALLI	:	
Application No.: 12/310,047	:	
PCT No.: PCT/IN06/00247	:	DECISION ON PETITION
Int. Filing Date: 13 July 2006	:	
Priority Date: None	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: NIC-003	:	
For: METHOD FOR CONTROLLING ADVANCED MULTIMEDIA FEATURES AND SUPPLEMENTARY SERVICES IN SIP-BASED PHONES AND A SYSTEM EMPLOYING THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 09 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventor is required.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 9 OCT 2009

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN ME 04444-0726

In re Application of:	:	
WAIBEL, Franz, et al.	:	DECISION
U.S. Application No.: 12/310,184	:	
PCT No.: PCT/DE2007/001320	:	
International Filing Date: 26 July 2007	:	
Priority Date: 16 August 2006	:	
Atty Docket No.: 5065	:	
For: METHOD FOR DISTANCE CONTROL	:	

This decision is issued in response to the "Petition To Correct Filing Receipt Under 37 CFR 1.10(c)" filed 29 September 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 26 July 2007, applicants filed international application PCT/DE2007/001320. The international application claimed a priority date of 16 August 2006, and it designated the United States. On 21 February 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 16 February 2009.

On 12 February 2009, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration in compliance with 37 CFR 1.497.

On 22 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 13 February 2009. Also on 22 September 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 13 February 2009.

On 29 September 2009, applicants filed the petition considered herein. The petition asserts that the materials filed to initiate the present international application were deposited as "Express Mail" with the USPS on 12 February 2009 and that the correct 35 U.S.C. 371(c) date for the present application is therefore 12 February 2009.

DISCUSSION

A review of the application file confirms that the materials filed to initiate the present national stage application, including payment of the basic national fee, the English translation of the international application, and the executed declaration, were originally filed herein on 12 February 2009. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" for the present application is therefore 12 February 2009, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 September 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 13 February 2009, is appropriately vacated. In addition, the filing receipt mailed on 22 September 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 13 February 2009, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 12 February 2009.

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

A review of the application file confirms that the materials filed to initiate the present national stage application, including the payment of the basic national fee, English translation of the international application, and executed declaration required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), were originally filed herein on 12 February 2009.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 September 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 13 February 2009, and the subsequently mailed filing receipt that incorrectly identified the 35 U.S.C. 371(c) date as 13 February 2009, are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 12 February 2009.

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30 MAR 2009

25944
OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re Application of :
JACKSON *et al* :
Application No.: 12/310,195 :
PCT No.: PCT/GB2007/002307 :
Int. Filing Date: 21 June 2007 : **DECISION**
Priority Date: 20 July 2006 :
Attorney Docket No.: 140596 :
For: METHOD FOR CHARACTERISING :
THE PROFILE OF A SURFACE :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 February 2009 with the national stage papers is hereby **GRANTED** as follows:

The petition fee and other national stage fees were provided. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

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3 0 MAR 2009

25944
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In re Application of	:	
CAMERON, Mitchell	:	
Application No.: 12/310,205	:	
PCT No.: PCT/GB2007/002335	:	
Int. Filing Date: 22 June 2007	:	**DECISION**
Priority Date: 24 July 2006	:	
Attorney Docket No.: 140623	:	
For: CONTROL OF A MACHINING	:	
OPERATION	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 17 February 2009 with the national stage papers is hereby **GRANTED** as follows:

The petition fee and other national stage fees were provided. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

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0 1 MAY 2009

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NEW YORK NY 10036

In re Application of	:	
Cifarelli et al.	:	
Application No. 12/310,236	:	
PCT No.: PCT/IB2007/002204	:	
Int. Filing Date: 26 July 2007	:	DECISION
Priority Date: 28 July 2006	:	
Att. Docket No.: 163-847	:	
For: Method For The Production Of Multipotent	:	
Stem Cells, Relative Kits And Uses In The.	:	

The petition to revive under 37 CFR 1.137(b) filed on 17 February 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h)(it is noted that the international application was published in English and that a processing fee under 37 CFR 1.492(i) was paid).

/George Dombroske/
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,341	09/24/2009	SeungRim Yang	LGCHEM 3.3-070	1823

86765 7590 07/20/2010
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER
HODGE, ROBERT W

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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BC

July 19, 2010

In re application of Seungrim Yang et al. Serial No. 12/310,341 Filed: February 19, 2009 For: BINDER FOR ELECTRODE MATERIAL CONTAINING SEMI-IPN OF POLYVINYL ALCOHOL AND POLYURETHANE AND LITHIUM SECONDARY BATTERY EMPLOYED WITH THE SAME	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed May 21, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;
b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,404	02/24/2009	Michael Koblinger	WI.2846 PCT-US	5091

23294 7590 04/08/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
04/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
KOBLINGER et al.
Application No.: 12/310,404
Filed: 24 February 2009
Attorney Docket No.: W1.2846 PCT-US
For: FROM CYLINDER OF A PRINTING MACHINE, COMPRISING A PLURALITY OF SECTIONS IN A SERIES IN THE AXIAL DIRECTION ON THE ENVELOPE SURFACE ...

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 22 February 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) The required petition fee under 37 CFR 1.17(h).

Conditions (1-3) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable claims in the EPO PCT application. For example only, claim 64 of the instant application recites "at least one printing forme receiving grove" and "at least one printing forme end holding device" whereas claim 1 of the EPO PCT application recites "at least one groove" and "at least one holding device." Another example is that the at least one printing forme end holding device is assigned to "each one" of the sections but the "at least one holding device" is assigned to "one" of the sections. These limitations are not commensurate in scope.

Additionally, the claims correspondence table does not appear to be complete. For example, the claims correspondence table list claims 64-76 of the instant application as corresponding to claims 1-12 of the EPO PCT application. It is not clear how 13 claims in the instant application can correspond to 12 claims in the EPO PCT application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,404	02/24/2009	Michael Koblinger	WI.2846 PCT-US	5091

23294 7590 06/09/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER
NGUYEN, JUDY

ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
KOBLINGER et al.
Application No.: 12/310,404
Filed: 24 February 2009
Attorney Docket No.: W1.2846 PCT-US
For: FROM CYLINDER OF A PRINTING MACHINE, COMPRISING A PLURALITY OF SECTIONS IN A SERIES IN THE AXIAL DIRECTION ON THE ENVELOPE SURFACE ...

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 22 February 2010 and renewed on 10 May 2010, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) The required petition fee under 37 CFR 1.17(h).

Conditions (1-3) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (4).

Regarding the requirement of condition (4), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable claims in the PCT application. For example, claim 38 of the PCT application requires the "holding means" to be "arranged in the groove" and the "holding means" to hold "a suspension leg (13) that is bent at its trailing edge" while claim 102 of the instant application doesn't limit the position of the "holding device" and recites that the "holding device" is "engageable with a bent leading end suspension leg." Claim 102 of the instant application is broader in scope than claim 38 of the PCT application. The PCT-PPH agreement only allows for the dependent claims of the US application to be narrower in scope than the claims of the PCT applications. Claim 102 is merely one example of a claim in the instant application which is broader in scope than the corresponding PCT claim.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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0 3 NOV 2009

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

In re Application of HASE et al	:	
U.S. Application No.: 12/310,478	:	
PCT Application No.: PCT/JP2007/067058	:	
Int. Filing Date: 31 August 2007	:	DECISION
Priority Date Claimed: 01 September 2006	:	
Attorney Docket No.: 24-079-TN	:	
For: POTENTIAL THERAPY APPARATUS AND	:	
COMBINED ELECTRIC THERAPY APPARATUS	:	

This is in response to applicant's correspondence filed 21 April 2009, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 31 August 2007, applicant filed international application PCT/JP2007/067058, which claimed priority of an earlier Japan application filed 01 September 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 March 2008. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2009.

On 26 February 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 April 2009, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration states that joint inventor Mikihiko Hase is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 21 April 2009 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 31 August 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 April 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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0 8 JAN 2010

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

In re Application of: TANAKA U.S. Application No.: 12/310,557 PCT No.: PCT/JP2007/000851 International Filing Date: 08 August 2007 Priority Date: 05 September 2006 Atty Docket No.: 140707 For: INTRAOCULAR LENS INSERTION TOOL	DECISION ON PETITION

This decision is issued in response to the response filed 02 December 2009, treated herein as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 08 August 2007, applicants filed international application PCT/JP2007/000851 which claimed a priority date of 05 September 2006 and which designated the United States. On 13 March 2008, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 March 2009.

On 27 February 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 23 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 02 December 2009, the petition considered herein was filed. The petition asserts that on 05 March 2009 applicants filed an executed declaration. Attached to the petition is a copy of the materials purportedly filed on 05 March 2009 (including the executed declaration), as well as a copy of a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 05 March 2009.

DISCUSSION

Based on the statements in the present petition and the attached return postcard, the materials attached to the present petition, including the executed declaration, will be treated as having been submitted on 05 March 2009.

The Form PCT/DO/EO/905 mailed 23 November 2009 is appropriately vacated. A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 23 November 2009 is hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the International Division for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 March 2009.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3294

8 MAY 2009

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MACCORD MASON PLLC
300 N. GREENE STREET, SUITE 1600
P. O. BOX 2974
GREENSBORO NC 27402

In re Application of Higgins et al. Application No. 12/310,586 PCT No.: PCT/US2007/071579 Int. Filing Date: 19 June 2007 Priority Date: 19 June 2006 Att. Docket No.: 7340-022-1D For: Method And Apparatus For Enhanced Mercury Removal	:	DECISION

The petition to revive under 37 CFR 1.137(b) filed on 27 February 2009 in the above-captioned application is hereby **DISMISSED**, without prejudice, as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

The required reply (in the form of the basic national fee) and the petition fee are NOT being charged to counsel's Deposit Account, as said to be authorized in the Transmittal Letter filed on 27 February 2009. When an attempt was made to process fees in this case, it was found that Atty. Jones was not listed as authorized to charge fees to this Deposit Account.

No terminal disclaimer is required.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 2 JUL 2009

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GREENSBORO NC 27402

In re Application of	:	
Higgins et al.	:	
Application No. 12/310,586	:	
PCT No.: PCT/US2007/071579	:	
Int. Filing Date: 19 June 2007	:	DECISION
Priority Date: 19 June 2006	:	
Att. Docket No.: 7340-022-1D	:	
For: Method And Apparatus For	:	
Enhanced Mercury Removal	:	

The renewed petition to revive under 37 CFR 1.137(b) filed on 15 May 2009 in the above-captioned application is hereby **DISMISSED**, without prejudice, as follows:

Petitioner has stated that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

The required reply (in the form of the basic national fee) and the petition fee have been charged to counsel's Deposit Account. No terminal disclaimer is required. Therefore, all of the requirements for relief under 37 CFR 1.137(b) now have been satisfied.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

13 MAY 2009

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Ronald J. Baron, Esq.
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, New York 11791

In re Application of	DECISION ON
TASCHLER et al	
Application No.: 12/310,601	
PCT No.: PCT/EP2007/007240	
Int. Filing Date: 16 August 2007	PETITION UNDER
Priority Date: 16 August 2006	
Attorney's Docket No.: 1686-148 PCT/US	
For: PROCESS FOR PREPARING...	
TRICYANOMETHANIDES	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 25 February 2009.

BACKGROUND

On 16 August 2007, this international application was filed, claiming an earliest priority date of 16 August 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 16 February 2009. This international application became abandoned with respect to the United States at midnight on 16 February 2009 for failure to pay the required basic national fee.

On 16 February 2009, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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17 MAR 2010

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of Juan Rechid Application No.: 12/310,631 PCT No.: PCT/DE07/001466 Int. Filing Date: 15 August 2007 Priority Date: 01 September 2006 Attorney Docket No.: HKH-92PCT For: SOLAR CELL, METHOD FOR... CONDUCTOR TRACK	DECISION

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which is being treated as a petition under 37 CFR 1.182, filed on 05 March 2010 indicating that the executed declaration filed on 29 December 2009 contains the correct name of the inventor's name, which is Juan Rechid. The petition fee under 37 CFR 1.182 of $400.00 has been charged to petitioner's Deposit Account No.: 11-1835.

BACKGROUND

On 27 February 2009, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee, but no executed declaration was filed at such time.

On 13 April 2009, applicant filed an executed declaration but it had been altered as the name of the inventor had been changed from Julian Rechid to Juan Rechid.

On 28 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date in that it is not executed in accordance with either 37 CFR 1.66 or CFR 1.68." The notification indicated that a oath or declaration must be submitted within two (2) months from the date of mailing or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 October 2009, applicants filed a second executed declaration with the name Juan Rechid on it.

On 05 February 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916).

On 05 March 2010, applicant submitted the current petition stating that the correct name of the inventor is Juan Rechid as indicated in the submitted declaration on 29 December 2009, and not as published in the International application, Julian Rechid.

DISCUSSION

The correct name of the inventor is as filed in the executed declaration on 29 December 2009 as Juan RECHID, not as published in the international application. Accordingly, the correct name, Juan RECHID, now appears in the declaration as filed on 29 December 2009 to the USPTO.

For the reasons above, the application may enter into national stage processing at this time.

DECISION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED** that the correct spelling of the inventor is Juan RECHID.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **29 December 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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15 JAN 2010

Frishauf, Holtz, Goodman & Chick, PC
220 Fifth Avenue
16th Floor
New York, NY 10001-7708

In re Application of	:	
AKAHANE et al.	:	
Application No.: 12/310,662	:	DECISION ON REQUEST
PCT No.: PCT/JP2007/066453	:	
Int. Filing Date: 24 August 2007	:	
Priority Date: 05 September 2006	:	
Attorney Docket No.: 09127/HG	:	
For: EDIBLE FAT AND OIL, PROCESS OF PRODUCING THE SAME, AND CHOCOLATE CONTAINING FAT AND OIL COMPOSITION		

This decision is issued in response to applicant's "Letter Re: Inventor's Correct Name" filed 10 December 2009 notifying the Office that the correct spelling of the second inventor's name is Yoshiyuki Hatano, as indicated on the published international application rather than Yoshiaki Hatano as indicated on the declaration. Applicant's request has been treated under 37 CFR 1.181 to accept the declaration filed 03 March 2009. No petition fee is due.

Petitioner states that the correct spelling of the second inventor's name is Yoshiyuki Hatano. Further, petitioner states that the spelling error contained in the declaration resulted from a typographical or transliteration error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48 is not required. Accordingly, applicant's explanation of the difference in the spelling of the second inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 03 March 2009.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

2 9 APR 2009

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FRIEDRICH KUEFFNER
317 MADISON AVENUE, SUITE 910
NEW YORK NY 10017

In re Application of	:	
SALZWIMMER et al.	:	
Application No.: 12/310,669	:	DECISION
PCT No.: PCT/AT2007/000274	:	
Int. Filing Date: 06 June 2007	:	
Priority Date: 06 June 2006	:	
Attorney Docket No.: BP-112PCT	:	
For: TRAINING APPARATUS	:	

This decision is in response to applicants' submission filed 27 February 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 06 June 2007, applicant filed international application PCT/AT2007/000274 which designated the U.S. and claimed a priority date of 06 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 13 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 December 2008 (06 December 2008 being a Saturday).

On 27 February 2009, applicant filed a transmittal letter for entry into the national stage in the United States, whi7/ch was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 27 February 2009.

As to item (2), applicant submitted the petition fee on 27 February 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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UNITED STATES PATENT AND TRADEMARK OFFICE

07 MAY 2009

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Oliff & Berridge, PLC
P.O. Box 320850
Alexandria VA 22320-4850

In re Application of
PERRAUDIN, Jean-Paul
Application No.: 12/310,692
PCT No.: PCT/EP2007/056662
Int. Filing Date: 03 July 2007
Priority Date: 03 July 2006
Attorney Docket No.: 140802
For: ANTIMICROBIAL COMPOSITION AND USES THEREOF

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/310,700	08/14/2009	Eun-Suok Oh	LGCHEM 3.3-085	7183

86765 7590 07/20/2010
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER
ALEJANDRO, RAYMOND

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeAction@ldlkm.com

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CST

July 19, 2010

In re application of Eun-Suok Oh et al Serial No. 12/310,700 Filed: August 14, 2009 For: ELECTRODE MATERIAL CONTAINING MIXTURE OF POLYVINYL ALCOHOL OF HIGH DEGREE OF POLYMERIZATION	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed on May 21, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

United States Patent and Trademark Office

3 0 MAR 2009

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LAW OFFICE OF MICHAEL A. SANZO, LLC
15400 CALHOUN DRIVE
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ROCKVILLE MD 20855

In re Application of LEININGER et al.
Application No.: 12/310,817
PCT No.: PCT/EP2007/056746
Int. Filing Date: 4 July 2007
Priority Date: 27 July 2006
Attorney Docket No: 7601/20450
For: COATED SODIUM PERCARBONATE PARTICLES

DECISION ON PETITION TO REVIVE UNDER 37 C.F.R. 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 17 March 2009.

BACKGROUND

On 4 July 2007, applicant filed international application PCT/EP2007/056746. The international application designates the United States. The deadline for payment of the basic national fee was 27 January 2009 which is thirty months from the priority date of 27 July 2006. Applicant missed the deadline by failing to pay the appropriate basic national fee and the application became abandoned at midnight 27 January 2009.

On 17 March 2009, applicants filed the present petition under 37 C.F.R 1.137(b) to revive the application, which was accompanied by all papers and fees for entry into national stage.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided all papers and fees for entry into national stage. This is an appropriate response

Regarding item (2), a check in the amount of $1620 for the petition fee has been received.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and satisfies the requirement.

Regarding item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

The application has an international filing date of 4 July 2007 under 35 U.S.C. 363. This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision.

S. B. McPartlin

Sarah McPartlin
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Office of PCT Legal Administration
Administration
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Leonard Smith

Leonard Smith
PCT Legal Examiner
Office of PCT Legal

3 1 MAR 2009

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EDWARDS ANGELL PALMER & DODGE
LLP
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Boston, Massachusetts 02205

In re Application of	:	
YANO et al	:	
Application No.: 12/310,825	:	
PCT No.: PCT/JP2007/065480	:	
Int. Filing Date: 8 August 2007	:	
Priority Date: 11 August 2006	:	
For: SLOT ARRAY ANTENNA	:	PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 3/9/2009.

BACKGROUND

The International application PCT/JP2007/065480 became abandoned with respect to the United States of America at midnight on 11 February 2009 based on applicants' failure to pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 9 March 2009, applicants filed the present petition under 37 C.F.R 1.137(b) to revive the application. The national stage fee accompanied the petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to the deposit account 04-1105 as authorized by applicants.

Regarding item (3), the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing.

Celine Qian
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Leonard Smith
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Office of PCT Legal Administration

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BC

November 16, 2009

In re application of Ji Heon Ryu et al. Serial No. 12/310,871 Filed: March 09, 2009 For: BATTERY MODULE AND MIDDLE OR LARGE-SIZED BATTERY PACK CONTAINING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed September 25, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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CST

December 1, 2009

In re application of Jin Woong Ha et al Serial No. 12/310,872 Filed: March 9, 2009 For: BATTERY MODULE, AND MIDDLE OR LARGE-SIZED BATTERY PACK CONTAINING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special, filed September 29, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate;

(6) Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s).

Claim 12 of the present application does not appear to sufficiently correspond to allowed claim 12 of the KIPO application. Specifically, present claim 12 includes the newly added phrase "than that of a corresponding sliding protrusion" which does not appear in claim 12 of the KIPO application. Note also page 9, lines 5 – 7 of the present specification wherein this newly added phrase is not present.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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January 14, 2010

In re application of Jin Woong Ha et al Serial No. 12/310,872 Filed: March 9, 2009 For: BATTERY MODULE, AND MIDDLE OR LARGE-SIZED BATTERY PACK CONTAINING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed on December 18, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

2 2 MAY 2009

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
GIESELMANN et al.	:	
Application No.: 12/310,959	:	DECISION
PCT No.: PCT/EP2007/006488	:	
Int. Filing Date: 20 July 2007	:	
Priority Date: 20 July 2006	:	
Attorney Docket No.: GIESELMANN ET AL - 1 PCT	:	
For: IMPLANT FOR ANCHORING	:	
DENTAL PROSTHESES	:	

This decision is in response to applicants' submission filed 13 March 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 July 2007, applicant filed international application PCT/EP2007/006488 which designated the U.S. and claimed a priority date of 20 July 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 24 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 January 2009 (20 January 2009 being a holiday in the District of Columbia).

On 13 March 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 13 March 2009.

As to item (2), applicant submitted the petition fee on 13 March 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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27 MAY 2009

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DREISS, FUHLENDORF, STEIMLE & BECKER
POSTFACH 10 37 62
D-70032 STUTTGART DE GERMANY

In re Application of	DECISION ON
MUELLER et al	
Application No.: 12/311,021	
PCT No.: PCT/EP2007/006374	
Int. Filing Date: 18 July 2007	PETITION UNDER
Priority Date: 21 July 2006	
Attorney's Docket No.: 0149-0407US	
For: REGENERATIVE AIR PREHEATER WITH	
BRUSH SEAL	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 15 October 2008.

BACKGROUND

On 18 July 2007, this international application was filed, claiming an earliest priority date of 21 July 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 January 2009. This international application became abandoned with respect to the United States at midnight on 21 January 2009 for failure to pay the required basic national fee.

On 17 March 2009, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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United States Patent and Trademark Office
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DOWELL & DOWELL
103 ORONOCO ST.
SUITE 220
ALEXANDRIA VA 22314

COPY MAILED

NOV 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Gudmundson et al.	:	
Application No. 12/311,031	:	ON PETITION
Filed: March 17, 2009	:	
Attorney Docket No. 16809 NP	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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27 MAR 2009

Jacobson Holman PLLC
400 Seventh Street N.W.
Suite 600
Washington, DC 20004

In re Application of HOVIS et al. Application No.: 12/311,052 PCT No.: PCT/US07/18045 Int. Filing Date: 17 August 2007 Priority Date: 17 August 2006 Attorney Docket No.: P71318US1 For: MULTI-FORMAT,BINARY CODE SYMBOL FOR NON-LINEAR STRAIN MEASUREMENT	:	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

2 1 MAY 2009

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of HOVIS et al.	:	
Application No.: 12/311,053	:	
PCT No.: PCT/US07/18177	:	DECISION ON
Int. Filing: 16 August2007	:	
Priority Date: 17 August 2006	:	PETITION TO REVIVE
Attorney Docket No.:P71350US1	:	
For: AUGMENTED BINARY CODE SYMBOL	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 18 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

06 APR 2009

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of: HOVIS, Gregory, et al. :
U.S. Application No: 12/311,054 :
PCT No: PCT/US2007/018185 : DECISION ON PETITION
International Filing Date: 16 August 2007 :
Priority Date: 17 August 2006 :
Atty Docket No.: P71322US1 :
For: TWO DIMENSIONAL BAR CODE :
HAVING INCREASED ACCURACY :

The petition for revival under 37 CFR 1.137(b) filed 18 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/018185 became abandoned with respect to the United States at midnight on 17 February 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905). It is noted that applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

2 7 MAY 2009

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
Hovis et al.	:	
Application No. 12/311,056	:	
PCT No.: PCT/US2007/018042	:	
Int. Filing Date: 16 August 2007	:	DECISION
Priority Date: 17 August 2006	:	
Att. Docket No.: P71319US1	:	
For: High Density Rectangular	:	
Binary Control Symbol	:	

The petition to revive under 37 CFR 1.137(b) filed on 18 March 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

2 5 SEP 2009

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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of	:	
Pedretti	:	
Application No.: 12/311,306	:	DECISION
PCT No.: PCT/CH2007/000480	:	
Int. Filing Date: 28 September 2007	:	ON
Priority Date: 27 September 2006	:	
Attorney Docket No.: 46845-P130WOUS	:	PETITION
For: Radiation Collector	:	

This is in response to the correspondence filed on 20 July 2009.

BACKGROUND

This international application was filed on 28 September 2007, claimed an earliest priority date of 27 September 2006, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 03 April 2008. The 30 month period for payment of the basic national fee expired at midnight on 27 March 2009. Applicant filed *inter alia* the basic national fee on 25 March 2009.

On 12 May 2009, applicant filed correspondence, including a declaration.

On 22 June 2009, a Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) showing a date under 35 U.S.C. 371(c)(1), (2) and (4) of "03/25/2009" were mailed to applicant.

DISCUSSION

Counsel requests correction of the 35 U.S.C. 371(c)(1), (2) and (4) date to reflect the filing of the declaration on 12 May 2009. Review of the record reveals that a declaration in compliance with 37 CFR 1.497(a) and (b) was in fact filed on 12 May 2009. Therefore, the date of compliance with 35 U.S.C. 371(c)(4) was 12 May 2009. Accordingly, the Filing Receipt and Notice of Acceptance mailed on 22 June 2009, and the filing receipt mailed on 28 July 2009, were mailed in error, and all three are hereby **VACATED**.

DECISION

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) reflecting the correct priority information and the correct 35 U.S.C. 371(c)(1), (2) and (4) date of **12 May 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15TH STREET, N.W.,
SUITE 400 EAST
WASHINGTON, DC 20005-1503

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Rune Bredesen, et al.	:	
Application No.: 12/311,314	:	DECISION ON PETITION
Filed: October 15, 2009	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 2009_0508A	:	

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed October 15, 2009, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT.**

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional applications. While a reference to the prior-filed provisional applications was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the oath or declaration filed with the application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed provisional applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

In view of the above, the $1,410 petition fee submitted is unnecessary and will be refunded to petitioner's credit card in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1794 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed application.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Attorney Docket No. 2009_0508A
Rune BREDESEN et al.	:	**Confirmation No. 9116**
Serial No. 12/311,314	:	Group Art Unit 1795
Filed March 26, 2009	:	
LEAK-PROOF MEMBRANE ELEMENT AND METHOD OF MANUFACTURING SUCH AN ELEMENT **[Corresponding to PCT/NO2007/000344 Filed September 28, 2007]**	:	**Mail Stop: PCT**

PETITION FOR UNINTENTIONALLY DELAYED CLAIM OF PRIORITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is noted that reference to U.S. Application Serial No. 60/847,914 filed on September 29, 2006 was not made in the specification of the present application as required by 35 U.S.C. §119(e) and 37 CFR §1.78(a)(5)(ii). Filed concurrently herewith is a Preliminary Amendment requesting that the specification of the application be amended so as to properly reference U.S. Application Serial No. 60/847,914 filed on September 29, 2006 in accordance with 35 U.S.C. §119(e) and 37 CFR §1.78(a)(5)(ii). Further, it is submitted that the entire delay between the date that the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Enclosed herewith is requisite surcharge under 37 CFR 1.17(t) of $1,410.00.

In light of the above, it is respectfully requested that this Petition be granted and the present application be entitled to the claim of priority.

Respectfully submitted,

Rune BREDESEN et al.

By /David M. Ovedovitz/
2009.10.15 11:42:04 GMT
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

Refund Ref:
12/18/2009 0030077996

Credit Card Refund Total: $1410.00

Visa : XXXXXXXXXXXX1072

Adjustment date: 12/18/2009 CKHLOK
10/16/2009 INTERSW 00002655 12311314
02 FC:1614 -1410.00 OP

DMO/jmj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 15, 2009

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 12/16/09

2 Serial/Patent # 12/311,314

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	wfee	10/15/09	$ 1,410.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 1,410.00

8 TO BE REFUNDED BY: credit card

	Treasury Check
	Credit Deposit A/C #:

9 [ ][ ]--[ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

No petition required.

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Sherry D. Brinkley TITLE: Petitions Examiner

SIGNATURE: Sherry D. Brinkley PHONE: (571) 272-3204

OFFICE: Office of Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhOK DATE: 12/18/09

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

3 0 APR 2009

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26357
Robert M. Hunter PLLC
P.O. Box 2709
Kamuela, HI 96743

In re Application of
COGUILL *et al*
Application No.: 12/311,405
PCT No.: PCT/US2007/009021
Int. Filing Date: 11 April 2007
Priority Date: None
Attorney's Docket No.: 09-0325-COGU
For: THERMAL SPRAY FORMATION OF POLYMER COATINGS

DECISION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. 371.

BACKGROUND

On 22 January 2009, applicants filed papers to enter the national stage of an international application (PCT/2007/009201) using attorney docket number 09-0122-COGU. This application was denoted as U.S. application number 12/309,565. However, these papers did not contain a proper PCT number and could not be processed by the Office.

On 26 March 2009, applicants filed papers to enter the national stage of PCT/US2007/009021 using attorney docket number 09-0325-COGU. This application was denoted as U.S. application number 12/311,405. Applicants also requested to withdraw U.S. application number 12/309,565 and obtain a refund of fees paid.

DISCUSSION

A review of the papers filed 22 January 2009 show that applicants failed to properly identify the PCT number on any of the papers submitted. Nonetheless, these papers were **intended** to be the national stage papers of PCT/US2007/009021. The title and name of applicants correspond to PCT/US2007/009021. Moreover, applicants stated in a telephone call with the undersigned that these papers were intended to be the national stage papers of PCT/US2007/009021.

The submission of the papers on 26 March 2009 using attorney docket number 09-0325-COGU resulted in two sets of papers to enter the national stage of PCT/US2007/009021. The end result for an international application designating the

international application designating the United States of America is a single U.S. national stage application.

The language of 35 U.S.C. 363 and 371 refer to the national stage of the PCT in the singular only; thus, only one national stage application may develop from an international application. Accordingly, the submission of two sets of national stage papers to enter the United States was improper.

CONCLUSION

The papers denoted as U.S. application No. 12/309,565 will be merged into U.S. application No. **12/311,405**.

Fees paid in U.S. application No. 12/309,565 have been credited to counsel's credit card as requested.

Applicants must use only U.S. application No. **12/311,405** for all correspondence to the national stage application of PCT/US2007/009021.

Applicants are advised that U.S. application No. 12/309,565 is no longer a valid U.S. National stage application.

This application is being forwarded to the Office of Patent Application Processing for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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United States Patent and Trademark Office
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DOWELL & DOWELL
2111 EISENHOWER AVENUE
SUITE 406
ALEXANDRIA VA 22314

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NOV 1 6 2009

OFFICE OF PETITIONS

In re Application of	:	
Doyle et al.	:	
Application No. 12/311,522	:	ON PETITION
Filed: April 2, 2009	:	
Attorney Docket No. 16819NP	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Wendy M. Slade
Dowell & Dowell, P.C.
Suite 220
103 Oronoco Street
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,564	04/03/2009	Yeong Hyeon Kwon	8737.133.00	4068

30827 7590 11/19/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
11/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/311,564	12/19/2005	Tetsuhiro Futami	FUJO 22.304	1006

26304 7590 11/25/2009
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
WONG, WARNER

ART UNIT	PAPER NUMBER
2471	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Yeong Hyeon KWON	**: PARTICIPATE IN THE PATENT**
Application No.: 12/311,564	**: PROSECUTION HIGHWAY**
Filed: 03 April 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: 8737.133.00	**: TO MAKE SPECIAL UNDER**
For: METHOD OF TRANSMITTING CONTROL SIGNAL	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 26 August 2009, to make the above-identified application special.

The request and petition are **Dimissed**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or
        ii. more applications filed in the KIPO, or
        iii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

Conditions (1), (2), and (4) to (7) above are considered to have been met. However, the request to participate in the PPH program and petition fails meet condition (3).

Regarding the requirement of condition (3), not all of the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, the dependency of claims 32, 42, and 44 of the US application do not correspond to the dependency of claims 22, 32, and 34 of the KIPO application.

Further, the request did not identify the KIPO application number or filing date.

A proper response in this case must include:

(a) an amendment to render claim 32, 42, and 44 sufficiently corresponding to claims 22, 32, and 34 of the KIPO application or cancellation of claim 32, 42, and 44 .

(b) a corrected request identifying the KIPO application number and filing date.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,564	04/03/2009	Yeong Hyeon Kwon	8737.133.00	4068

30827 7590 12/30/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
12/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MAILED

DEC 30 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, N.W.
WASHINGTON, DC 20006

In re Application of: Yeong Hyeon KWON
Application No. 12/311,564
Filed: April 3, 2009
For: METHOD OF TRANSMITTING CONTROL SIGNAL

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 18, 2009, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
b. An English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The original request and petition filed on August 26, 2009 were dismissed because the requirement of condition (3) was not met since the dependency of claims 32, 42, and 44 of the US application do not correspond to the dependency of claims 22, 32, and 34 of the KIPO application. The preliminary amendment filed December 18 addressed this deficiency.

The request to participate in the PPH program and petition are now found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

2 1 MAY 2009

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

In re Application of LEE et al	:	
U.S. Application No.: 12/311,598	:	
PCT Application No.: PCT/KR2006/005417	:	DECISION
Int. Filing Date: 12 December 2006	:	
Priority Date Claimed: 12 December 2005	:	
Attorney Docket No.: L69.12-0008	:	
For: CAP ASSEMBLY . . .	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b)" filed 02 April 2009.

BACKGROUND

On 12 December 2006, applicant filed international application PCT/KR2006/005417, which claimed priority of an earlier Korea application filed 12 December 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 21 June 2007. The thirty-month period for paying the basic national fee in the United States expired on 12 June 2008.

On 13 June 2008, international application PCT/KR2006/005417 became abandoned as to the United States for failure to timely pay the basic national fee.

On 02 April 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay from the due date for payment of the National Stage filing fee until filing this Petition has been unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

2 2 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Judson K Champlin
Westman Champlin & Kelly
900 Second Avenue South
Suite 1400
Minneapolis MN 55402-3319

In re Application of	:	
LEE et al.	:	
Application No.: 12/311,599	:	DECISION ON
PCT No.: PCT/KR2006/005416	:	
Int. Filing Date: 12 December 2006	:	PETITION UNDER
Priority Date: 12 December 2005	:	
Attorney Docket No.: L69.12-0007	:	37 CFR 1.137(b)
For: CAP ASSEMBLY HAVING STORAGE	:	
CHAMBER FOR SECONDARY MATERIAL	:	
WITH INSEPARABLE WORKING MEMBER	:	

This decision is in response to applicants' submission filed 02 April 2009.

BACKGROUND

On 12 December 2006, applicants filed international application PCT/KR2006/005416 which designated the U.S. and claimed a priority date of 12 December 2005. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 June 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2008.

On 02 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 April 2009.

As to item (2), applicant submitted the petition fee on 02 April 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 02 April 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,627	04/07/2009	Tomohiro Numajiri	OLI-041	8317

32628 7590 02/19/2010
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
NUMAJIRI, TOMOHIRO et al	:	DECISION ON PETITION
Application No. 12/311,627	:	TO MAKE SPECIAL UNDER
Filed: April 7, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-041	:	PILOT PROGRAM
Title: WIND-TURBINE ROTOR-BLADE HOISTING APPARATUS, METHOD FOR ATTACHING WIND-TURBINE ROTOR BLADE, AND METHOD FOR CONSTRUCTING WIND POWER GENERATOR		

This is a decision on the petition under 37 CFR 1.102, filed January 21, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims.

3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) #1. In regard to item 1, petitioner should note that this application has been classified in an area (USPC 416/146) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/311,627	04/07/2009	Tomohiro Numajiri	OLI-041	8317

32628 7590 07/12/2010
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER
LOOK, EDWARD K

ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
07/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
NUMAJIRI, TOMOHIRO et al	:	DECISION ON PETITION
Application No. 12/311,627	:	TO MAKE SPECIAL UNDER
Filed: April 7, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. OLI-041	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 25, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/ Henry C. Yuen /

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

9 JUN 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Bruce L Adams
Adams & Wilks
17 Battery Place
Suite 1231
New York NY 10004

In re Application of	:	
ITOH et al.	:	
Application No.: 12/311,679	:	DECISION ON
PCT No.: PCT/JP2007/064578	:	
Int. Filing Date: 25 July 2007	:	PETITION UNDER
Priority Date: 03 October 2006	:	
Attorney Docket No.: S004-6377 (PCT)	:	37 CFR 1.137(b)
For: BLANK FOR A RING MEMBER OF A	:	
BEARING, MANUFACTURING METHOD FOR THE	:	
SAME, MANUFACTURING METHOD FOR RING	:	
MEMBER	:	

This decision is in response to applicants' submission filed 08 April 2009.

BACKGROUND

On 25 July 2007, applicants filed international application PCT/JP2007/064578 which designated the U.S. and claimed a priority date of 03 October 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 April 2009.

On 08 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

On 26 May 2009, applicants filed a declaration of inventors.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 08 April 2009.

As to item (2), applicant submitted the petition fee on 08 April 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 26 May 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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March 29, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Naohisa Hirota et al.	:	PARTICIPATE IN PATENT
Serial No. 12/311,687	:	PROSECUTION HIGHWAY
Filed: April 09, 2009	:	PROGRAM AND
For: COMPOSITION FOR BATTERY	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 01, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or

ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or

iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

9 NOV 2009

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
BRYCE	:	
Application No.: 12/311,749	:	DECISION ON
PCT No.: PCT/GB2007/050579	:	
Int. Filing Date: 24 September 2007	:	PETITION UNDER
Priority Date: 29 September 2006	:	
Attorney Docket No.: SCS-4777-34	:	37 CFR 1.137(b)
For: TILING TOOL	:	

This decision is in response to applicant's submission filed 10 April 2009.

BACKGROUND

On 24 September 2007, applicant filed international application PCT/GB2007/050579 which designated the U.S. and claimed a priority date of 29 September 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 03 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 March 2009.

On 10 April 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 10 April 2009.

As to item (2), applicant submitted the petition fee on 10 April 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 10 April 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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APR 14 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
CHUN, SUNG DUCK, et al.	:	DECISION ON REQUEST TO
Application No. 12/311,803	:	PARTICIPATE IN PATENT
Filed: April 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No.: **8737.126.00**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 19, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

2 2 JUN 2009

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
Richter et al.	:	
Application No. 12/311,816	:	
PCT No.: PCT/DE2007/001810	:	
Int. Filing Date: 15 October 2007	:	DECISION
Priority Date: 13 October 2006	:	
Att. Docket No.: RICHTER ET AL - 4PCT	:	
For: Wear-Resistant Coating	:	

The petition to revive under 37 CFR 1.137(b) filed on 14 April 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and an English translation of the international application.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

9 JUN 2009

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

In re Application of	:	
HUSAIN, Kaja Aliar	:	
U.S. Application No.: 12/311,870	:	DECISION ON
PCT No.: PCT/IN2006/000473	:	
Int. Filing Date: 01 December 2006	:	PETITION UNDER
Priority Date: 16 October 2006	:	
Attorney Docket No.: GBS/110/PC/US	:	37 CFR 1.47(b)
For: FUEL SENDER WITH REED SWITCH	:	
AND LATCHING MAGNETS	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 16 April 2009.

BACKGROUND

On 16 April 2009, applicant filed a transmittal letter for national phase entry under 35 USC 371, accompanied by the basic national fee and this petition under 37 CFR 1.47.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3) and (6) have been satisfied. (1) The $200 petition fee has been paid. (3) Applicant states the last known address of Mr. Husain as 4/1 V/G/ Rao Nagar Road; Phase-2, Ganapathy; Coimbatore, India 641 006. Applicant has made the showing that the petition is necessary to preserve the rights of the parties.

Item (2) has not been satisfied. Applicant has not detailed even an attempt to present the inventor with a complete copy of the application papers, including the declaration. Further, a *diligent* effort to locate the inventor will include internet searches and a declaration recounting the efforts.

Item (4) has not been satisfied. The declaration presented submitted to the Office has not been executed. Further, the declaration and all the paperwork in this petition identify the inventor as "M. Kaja Aliar Husain," but the international application identifies the inventor as "Kaja Aliar Husain".

Item (5) has not been satisfied. Applicant has not provided appropriate evidence of proprietary interest in the application. MPEP 409.03(f). Further, the Form I indicates that Pricol Limited is the assignee of the invention, but no assignment has been recorded. If proprietary interest is based on an

employment agreement, then the portion of the employment agreement transferring intellectual property must be presented and applicant must furnish a declaration of someone with firsthand knowledge that the invention was made within the scope of the employment. Otherwise, a legal memorandum can be used to establish proprietary interest.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

2 1 SEP 2009

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

In re Application of	:	
HUSAIN, Kaja Aliar	:	
U.S. Application No.: 12/311,870	:	DECISION ON
PCT No.: PCT/IN2006/000473	:	
Int. Filing Date: 01 December 2006	:	PETITION UNDER
Priority Date: 16 October 2006	:	
Attorney Docket No.: GBS/110/PC/US	:	37 CFR 1.47(b)
For: FUEL SENDER WITH REED SWITCH	:	
AND LATCHING MAGNETS	:	

This is a decision on applicant's Petition Under 37 CFR 1.47(b), filed in the United States Patent and Trademark Office (USPTO) on 10 August 2009.

BACKGROUND

On 09 June 2009, the Office mailed Decision On Petition Under 37 CFR 1.47(b), dismissing applicant's petition without prejudice.

On 10 August 2009, applicant submitted this renewed petition under 37 CFR 1.47 accompanied by a declaration of the inventors. The petition contained a certificate of mailing indicating it was being deposited with first class mail on 06 August 2009.

DISCUSSION

Applicant has supplied a declaration executed by the inventor; the petition under 37 CFR 1.47(b) is moot.

The declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing to continue national stage processing of the application. The application has a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of **10 August 2009**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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22 FEB 2010

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of KOISHI Application No.: 12/311,933 PCT No.: PCT/JP07/70641 Int'l Filing Date: 23 October 2007 Priority Date: 23 October 2006 Attorney Docket No.: 141344 For: IMAGE PROCESSING METHOD, IMAGE PROCESSING PROGRAM, IMAGE PROCESSING DEVICE AND CAMERA	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's " Petition under 37 CFR 1.182 for Change of Name of Inventor" filed on 20 April 2009 in the United States Patent and Trademark Office.

Applicant submits declaration by the inventor Erika Kanematsu indicating that her name changed to Erika Koishi due to her marriage. This correction will appear in the USPTO records and appear on the patent as **Erika Koishi**. The $400 petition fee was charged to applicant's deposit account per his authorization.

The petition under 37 CFR 1.182 to change the respective inventor's name to **Erika Koishi** is **GRANTED**. The USPTO records will reflect this correction.

It is noted that the declaration submitted on 20 April 2009 is in the Japanese and English language. As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. *See* MPEP 602.06. Applicant has not employed the USPTO form PTO/SB/106 or provided a statement regarding the accuracy of the English translation of the Japanese/English language declaration. The declaration is not acceptable as filed.

The application will be forwarded to the United States Designated/Elected Office (US/DO/EO) for further processing.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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12 JAN 2010

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Alan F. Feeney, Esq
Biomeasure, Incorporated
27 Maple Street
Milford MA 01757-3650

In re Application of DONG et al Application No.: 12/311,961 Int. Application: PCT/US2007/022179 Int. Filing Date: 17 October 2007 Priority Date: 20 October 2006 Attorney's Docket No.: 159P2/PCT2/US For: PEPTIDE-CYTOTOXIC CONJUGATES	DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 CFR 1.48(a)," filed on 13 October 2009, which is being treated as a request under 37 CFR 1.497(d) to add joint inventors Jundong Zhang and Sun Hyuk Kim in the executed declaration.

BACKGROUND

On 17 October 2007, applicants filed international application No. PCT/US2007/022179, which claims a priority date of 20 October 2006.

On 20 April 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No proper executed oath or declaration was filed at such time.

On 07 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date... does not identify the application to which it is directed" must be submitted within two months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 13 October 2009, applicant filed the Request under 37 CFR 1.497(d), which included, *inter alia*, an executed declaration and a request to add Jundong Zhang and Sun Hyuk Kim, they were not originally listed in the PCT application, as joint inventors in the above-identified patent application.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (3) under 37 CFR 1.497(d).

With respect to item (1), the statements submitted by Jundong Zhang and Sun Hyuk Kim are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been by check.

With respect to item (3), IPSEN PHARMA S.A.S., the assignee, consents to the correction of inventorship to the above application and it has filed the requisite papers showing that it is the assignee of the above application as per reel/frame numbers 023269/0105, 023267/0726, and 023267/0733 and has establish its right to take action under 37 CFR §3.73(b).

Accordingly, the request is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **13 October 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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3 0 DEC 2009

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
YAMAMOTO (Deceased)	:	DECISION ON
Application No.: 12/311,973	:	
PCT No.: PCT/JP07/70615	:	REQUEST
Int. Filing Date: 23 October 2007	:	
Priority Date: 23 October 2006	:	UNDER 37 CFR 1.42
Attorney Docket no.: JAR-925-409	:	
For: SEALING DEVICE, ROLLING BEARING	:	
AND ROLLING BEARING FOR WHEEL	:	

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 21 April 2009.

BACKGROUND

On 21 April 2009, applicant filed a request for entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee, and an executed declaration. The declaration was executed by the legal representative of the deceased inventor and by the joint inventor.

DISCUSSION

To meet the requirements for compliance with 37 CFR 1.497(a) and (b), the declaration must state the relationship and the country of citizenship for all inventors, including the deceased inventor and his legal representative. In addition, the declaration must provide the residency and mailing address for all inventors, including the deceased inventor and the legal representative.

The declaration submitted on 21 April 2009 identifies Kasumi Yamamoto as the legal representative of the deceased inventor Kazutoshi Yamamoto and states the relationship, country of citizenship, residency and mailing address for the legal representative. The declaration meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at

this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declaration by the legal representative for deceased inventor submitted on 21 April 2009 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 April 2009.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

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27 MAY 2010

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
CASTIGLIONI, et al.	:	
Application No.: 12/312,007	:	DECISION ON PETITION
PCT No.: PCT/EP2007/061266	:	
Int. Filing Date: 22 October 2007	:	UNDER 37 CFR 1.10
Priority Date: 06 November 2006	:	
Atty Docket No.: 09222/MJC	:	
For: FLUORESCENT COATING FOR HIGH OUTPUT	:	
LAMPS WITH COLOR TEMPERATURES OF	:	
LESS THAN 2700 KELVIN	:	

This decision is in response to applicant's "SECOND REQUEST FOR CORRECTED FILING RECEIPT" filed 28 January 2010 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR § 1.10(c) to correct the date of satisfaction of the 35 U.S.C. 371 requirements. No petition fee is required

BACKGROUND

On 23 November 2009, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which indicated a date of receipt of the 35 U.S.C. 371 requirements as 20 April 2009.

On 28 January 2010, applicant filed the petition considered herein indicating that the U.S. National stage papers were deposited as an Express Mail mailing with the United States Postal Service on 22 April 2009.

DISCUSSION

37 CFR 1.10(c) states that an applicant filing correspondence under 37 CFR 1.10 which is received by the USPTO who can show that there is a discrepancy between the "Date-in" date on the Express Mail label and the date accorded by the USPTO may petition the Director to accord a filing date as of the "Date-in" on the mailing label provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS (United States Postal Service) deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that

constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied items (1) and (2) above.

As to item (3), applicant has not provided a copy of the Express Mail mailing label nor a printout from the USPS track and confirm database indicating that the Express Mail mailing in question was deposited on 22 April 2009 and not 20 April 2009.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.10(c) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.10(c)."

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

/Derek A. Putonen/

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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06 JAN 2010

Husch Blackwell Sanders, LLP
Husch Blackwell Sanders LLP Welsh & Katz
120 S. Riverside Plaza
22nd Floor
Chicago IL 60606

In re Application of EDELSTAIN, Zvika Application No.: 12/312,091 PCT No.: PCT/IL2007/001236 Int. Filing Date: 16 October 2007 Priority Date: 16 October 2006 Attorney Docket No.: 4960/108321 For: RFID TAGS SYSTEM FOR PALLETS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 April 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

2 JUL 2009

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KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road, Suite 215
Westlake Village CA 91361

In re Application of	:	
WITZ et al.	:	
Application No.: 12/312,109	:	DECISION
PCT No.: PCT/GB2007/002446	:	
Int. Filing Date: 29 June 2007	:	
Priority Date: 29 June 2006	:	
Attorney Docket No.: 830-2F-031	:	
For: AXIALLY REINFORCED HOSE	:	

This decision is in response to applicants' petition to revive under 37 CFR 1.137(a) filed 22 April 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 June 2007, applicants filed international application PCT/GB2007/002446 which designated the U.S. and claimed a priority date of 29 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2008.

On 22 April 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and the instant petition to revive under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response,

unless already filed; (2) The petition fee as set forth in 37 CFR 1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary).

Items (1) and (2) have been satisfied. Item (4) is not required.

Item (3) has not been met. The statement of Stephen Anderson states that the delay in filing was due to an unexpected failure to timely file the national stage application by the "ordinary and trustworthy legal service of my legal counsel and foreign counsel in the United States." Presumably, petitioner is referencing MPEP § 711.03(c)(II)(A)(3)(C)(2) which states in part:

> A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
> (A) the error was the cause of the delay at issue;
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
> (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

However, none of these items have been shown. Additionally, an adequate showing requires, where possible, a statement by all persons with direct knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. Here, no such statement has been provided. Further, it is not clear that any checks were in place to ensure that the application was filed. The failure to use checks is less than the care or diligence generally used and observed by careful persons in relation to their most important business.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37

CFR 1.137(a)."

As an alternative, applicants may consider filing a petition to revive under 37 CFR 1.137(b) for unintentional, rather than unavoidable, delay.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

2 1 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road, Suite 215
Westlake Village CA 91361

In re Application of	:	
WITZ et al.	:	
Application No.: 12/312,109	:	DECISION
PCT No.: PCT/GB2007/002446	:	
Int. Filing Date: 29 June 2007	:	
Priority Date: 29 June 2006	:	
Attorney Docket No.: 830-2F-031	:	
For: AXIALLY REINFORCED HOSE	:	

This decision is in response to applicants' petition to revive under 37 CFR 1.137(a), or in the alternative, under 37 CFR 1.137(b), filed 16 July 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 June 2007, applicants filed international application PCT/GB2007/002446 which designated the U.S. and claimed a priority date of 29 June 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 December 2008.

On 22 April 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition to revive under 37 CFR 1.137(a).

On 02 July 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.137(a).

On 16 July 2009, the instant renewed petition to revive under 37 CFR 1.137(a), or in the alternative, under 37 CFR 1.137(b), was filed.

DISCUSSION

Petition Under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the

grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in 37 CFR 1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary).

As noted in the decision mailed 02 July 2009, items (1) and (2) have been satisfied and item (4) is not required.

Item (3) still has not been met. The statement of James K. Dawson states that Mr. Dawson failed to "take the clerical step of obtaining a docket number and requesting data entry into our firm's LegalStar software" and that an e-mail reply to Jaye Heyble on 17 December 2008 was a check to ensure the application was filed in a timely manner. MPEP § 711.03(c)(II)(A)(3)(C)(2) states in part:

> A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
> (A) the error was the cause of the delay at issue;
> (B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
> (C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

Here, the clerical function of "obtaining a docket number and requesting data entry into our firm's LegalStar software" was not performed. There does not appear to have been in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance. No system appears to have been in place to ensure that once it was decided to file an application, a docket number was obtained and data entry into the firm's software was requested. Rather, this function appears to be dependent solely on the memory of the attorney. Again, the failure to use checks is less than the care or diligence generally used and observed by careful persons in relation to their most important business. Although it is urged that the e-mail was a proper check, the e-mail is only a check in this case if the attorney happens to look at it again before the filing date.

<u>Petition Under 37 CFR 1.137(b)</u>

A petition to revive the present application under 37 CFR 1.137(b) must include:
(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 16 July 2009.

As to item (2), applicant submitted the petition fee on 16 July 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** for the reasons set forth above.

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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BC

November 29, 2009

In re application of	:	DECISION ON REQUEST TO
Min Seok Noh	:	PARTICIPATE IN PATENT
Serial No. 12/312,123	:	PROSECUTION HIGHWAY
Filed: April 27, 2009	:	PROGRAM AND
For: METHOD FOR ALLOCATING PILOTS	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed October 26, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status. It is noted that the request failed to fully comply with (1) above; however, the record is clear that both the present application and KIPO application 10-2009-7009840 claim priority to PCT/KR2007/005412.

The application is currently undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 19 2010

KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of	:	
Tomohiro NUMAJIRI	:	DECISION ON PETITION
Application No. 12/312,145	:	TO MAKE SPECIAL UNDER
Filed: April 28, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **OLI-054**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must be classified in one of the eligible US classifications listed in section VI of the notice. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining

how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 9) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 1 and 5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 052/040.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3633 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/312,183		Young Dae Lee	8737.154.00	1079

30827 7590 11/13/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
LEE, YOUNG DAE	:	DECISION ON REQUEST TO
Application No. 12/312,183	:	PARTICIPATE IN PATENT
Filed: April 29, 2009-11-12	:	PROSECUTION HIGHWAY
Attorney Docket No. 8737.154.00	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 7, 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 2 above. The allowed claims have been provided for KIPO application 10-0902897 and correspondence to the claims of the instant application shown.

However, the relationship of the above KIPO application and that of KIPO applications10-2007-0012576, 10-2007-0012567 (as indicated on PTO/SB/20KR) and PCT/KR07/005397 for which priority is claimed has not been established. In response to this decision, Petitioner should establish the relationship between the application containing the allowed claims and those for which priority is claimed.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D.2

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/312,183	04/29/2009	Young Dae Lee	8737.154.00	1079

30827 7590 01/14/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
COSME, NATASHA W

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/14/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
LEE, YOUNG DAE et al	:	DECISION ON REQUEST TO
Application No. 12/312,183	:	PARTICIPATE IN PATENT
Filed: April 29, 2009	:	PROSECUTION HIGHWAY
Att. Docket No. **8737.154.00**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed December 11, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

D2e

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ALEXANDRIA, VA 22313-1450
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1 2 JAN 2010

Donald E Schreiber
Donald E Schreiber A Professional Corporation
P O Box 2926
Kings Beach CA 96143-2926

In re Application of LEWIS	:	
U.S. Application No.: 12/312,188	:	
PCT Application No.: PCT/US2007/023838	:	
Int. Filing Date: 13 November 2007	:	DECISION
Priority Date Claimed: 13 November 2006	:	
Attorney Docket No.: 2243	:	
For: EXTENDED RANGE OF MOTION,	:	
CONSTRAINED PROSTHETIC HIP-JOINT	:	

This is in response to applicant's request to withdraw as attorney or agent filed 09 October 2009.

BACKGROUND

On 13 November 2007, applicant filed international application PCT/US2007/023838, which claimed priority of an earlier United States application filed 13 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 13 May 2009.

On 08 May 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 October 2009, applicant filed the present request to withdraw as attorney or agent.

DISCUSSION

A review of the application file reveals that a valid power of attorney to Donald Schreiber was never filed. Because a valid power of attorney is not present, Donald Schreiber is deemed to have acted in a representative capacity pursuant to 37 CFR 1.34.

For requests to withdraw filed on or after 12 May 2008, the Office no longer approves requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file. Change in Procedure for Requests to Withdraw from Representation in a Patent Application, 1329 OG 99, 08 April 2008. The correspondence address will be changed to that of the inventor.

CONCLUSION

For the reasons above, the request to withdraw as attorney or agent is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 13 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 May 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MAIL

NOV 18 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of LEE, YOUNG DAE, et al. Application No. 12/312,226 Filed: April 30, 2009 Attorney Docket No.: **8737.157.00**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 4, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

18 MAR 2010
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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18 MAR 2010

Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

In re Application of	:	
QVARFORT et al.	:	
Application No.: 12/312,339	:	
PCT No.: PCT/DE2007/0001787	:	DECISION
Int. Filing Date: 08 October 2007	:	
Priority Date: 07 November 2006	:	
Attorney Docket No.: QVARFORT ET AL . . .	:	
For: METHOD AND APPARATUS FOR DETERMINING THE HOMOGENEITY OF A MIXTURE	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371 and 37 CFR 1.495. Additionally, this decision is issued in response to applicant's "Response to Notification of Missing Requirements 35 U.S.C. 371" filed 30 October 2009, treated herein as a petition under 37 CFR 1.181.

BACKGROUND

On 06 May 2009, applicant timely filed a request to enter into the national stage under 35 U.S.C. 371 along with, among other things, the appropriate basic national filing fee, a translation of the international application, and a preliminary amendment.

On 21 October 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time in which to respond.

On 30 October 2009, applicants filed a "Response to Notification of Missing Requirements 35 U.S.C. 371" which was accompanied by: a copy of the declaration and a postcard receipt dated 07 May 2009.

On 25 November 2009, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 30 October 2009. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 30 October 2009.

DISCUSSION

The actual filing date of the present application is considered to be the international filing date, 08 October 2007. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) Applicant states in the "Response to Notification of Missing Requirements 35 U.S.C. 371" that a declaration and power of attorney was received at the United States Patent and Trademark Office on 07 May 2009. A review of the present application reveals that the declaration and power of attorney filed 07 May 2009 is not located therein. Section 503 of the Manual of Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

> "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The accompanying copy of the post card receipt identifies the application by applicant (docket number) and title of invention. The receipt itemizes a combined declaration. The receipt is stamped "Rec'd PCT/PTO 07 May 2009" across its face and is sufficient to indicate that the combined declaration and power of attorney was in fact received in the Office on 07 May 2009. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 07 May 2009. Therefore, applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

Deposit Account No. 03-2468 will be credited with a refund of $65.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and the Official Filing Receipt mailed on 25 November 2009 is hereby **VACATED**.

The application has an international filing date of 08 October 2007 under 35 U.S.C. 363 and a date of **07 May 2009** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **07 May 2009** under 35 U.S.C. 371(c) and preparation and mailing of a

corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of **07 May 2009**.

Thereafter, this application will be referred to its appropriate Art Unit.

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18 MAR 2010

Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn NY 11576

In re Application of	:	
SCHNEIDER, Thomas	:	
Application No.: 12/312,342	:	
PCT No.: PCT/DE2007/0001786	:	DECISION
Int. Filing Date: 08 October 2007	:	
Priority Date: 07 November 2006	:	
Attorney Docket No.: SCHNEIDER ET AL -5. .	:	
For: METHOD AND DEVICE FOR RECALIBRATING PRODUCTION PROCESSES	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371 and 37 CFR 1.495. Additionally, this decision is issued in response to applicant's "Subsequent Submission of Items Concerning a Filing 35 U.S.C. 371" filed 30 October 2009, treated herein as a petition under 37 CFR 1.181.

BACKGROUND

On 06 May 2009, applicant timely filed a request to enter into the national stage under 35 U.S.C. 371 along with, among other things, the appropriate basic national filing fee, a translation of the international application, and a preliminary amendment.

On 21 October 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time in which to respond.

On 30 October 2009, applicant filed a "Subsequent Submission of Items Concerning a Filing 35 U.S.C. 371" which was accompanied by: a copy of the declaration and a postcard receipt dated 07 May 2009.

On 05 January 2010, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 30 October 2009. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 30 October 2009.

DISCUSSION

The actual filing date of the present application is considered to be the international filing date, 08 October 2007. The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) Applicant states in the "Subsequent Submission of Items Concerning a Filing 35 U.S.C. 371" that a declaration and power of attorney was received at the United States Patent and Trademark Office on 07 May 2009. A review of the present application reveals that the declaration and power of attorney filed 07 May 2009 is not located therein. Section 503 of the Manual of Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

> "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The accompanying copy of the postcard receipt identifies the application by applicant (docket number) and title of invention. The receipt itemizes a combined declaration. The receipt is stamped "Rec'd PCT/PTO 07 May 2009" across its face and is sufficient to indicate that the combined declaration and power of attorney was in fact received in the Office on 07 May 2009. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 07 May 2009. Therefore, applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) and the Official Filing Receipt mailed on 05 January 2010 is hereby **VACATED**.

The application has an international filing date of 08 October 2007 under 35 U.S.C. 363 and a date of **07 May 2009** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **07 May 2009** under 35 U.S.C. 371(c) and preparation and mailing of a

corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of **07 May 2009** .

Thereafter, this application will be referred to its appropriate Art Unit.

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0 7 MAY 2010

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In re Application of NAKAJIMA al. Serial No.: 12/312,353 PCT No.: PCT/JP07/71649 Int. Filing Date: 07 November 2007 Priority Date: 7 November 2006 Attorney's Docket No.: SONYJP3.3-1574 For: ELECTRONIC EQUIPMENT, CONTROL INFORMATION TRANSMISSION METHOD, AND CONTROL INFORMATION RECEPTION METHOD	DECISION ON PETITION UNDER 37 CFR 1.10(c)

This decision is in response to applicant's "Request for Corrected Filing Receipt"filed 16 February 2010, and treated as a Petition under 37 CFR 1.10(c) to correct filing date to 24 November 2007 to the above-identified application papers. No petition fee is required.

BACKGROUND

On 6 May 2009, Applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 22 October 2009, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required. On 24 November 2009, applicant filed a response to the notice.

On 09 December 2009, a Notification of Acceptance was mailed to applicant, indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 25 November 2009 and that the date of completion of all 35 U.S.C. 371 requirements was 25 November 2009.

On 19 January 2010, applicant filed a request for corrected filing receipt, treated as a petition under 37 CFR 1.10(c), requesting a corrected filing date of 24 November 2009. The petition included a copy of the Customer Receipt of the "Express Mail" mailing label #EM303920607US.

DISCUSSION

A review of the application file reveals that applicant filed a declaration along with a transmittal letter, which included an indication of the Express Mail #EM303920607US.

37 CFR 1.10(c) states:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the

Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant requests that the response to the Notification of Missing Requirements including the declaration be accorded a filing date of 24 November 2009. A review of the Express Mail label #EM303920607US reveals that it was addressed to the "Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450". The Customer Copy of the Express Mail label bears a USPS barrel stamp of "NOV 24 2009" and a "Date-In" of "11/24/09".

This is sufficient evidence to establish with reasonable certainty that the response to the Notification of Missing Requirements including declaration was deposited with the United States Postal Service as an "Express Mail" Mailing on 24 November 2009. Specifically, the number of the "Express Mail" mailing label appears to have been placed on a paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail. Since there is an indication of the "Express Mail" label number appearing on the Transmittal Letter which ties the "Express Mail" label and the papers together, it can be concluded that the papers were deposited on 24 November 2009. The requirements of 37 CFR 1.10(c) are satisfied and the filing date of the papers will reflect the date the papers were received, 24 November 2009.

Therefore, the 09 December 2009 Notification of Acceptance is **VACATED**.

The filing date of the application is the international filing date, 07 November 2007. The 35 U.S.C. 371 date is the date that all of the requirements of 35 U.S.C. 371(c) are completed, 24 November 2009. *See* MPEP §1893.03(b) regarding The Filing Date of a U.S. National Stage Application.

CONCLUSION

Applicant's petition requesting that the national stage papers be accorded a receipt date of 24 November 2009 is **GRANTED**. Applicant's request for corrected filing receipt is **GRANTED.**

The 09 December 2009 Notification of Acceptance is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing in accordance with this decision, including issuance of a new Notification of Acceptance

/Cynthia M. Kratz/
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1 9 MAR 2010

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OLIFF & BERRIDGE, PLLC
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In re Application of :
MIOSSEC *et al* :
U.S. Application No.: 12/312,375 :
PCT No.: PCT/FR2007/052409 :
Int. Filing Date: 28 November 2007 :
Priority Date: 29 November 2006 : **DECISION**
Attorney Docket No.: 141487 :
For: DRUG FOR INHIBITING, :
PREVENTING OR TREATMENT OF :
RHEUMATOID ARTHRITIS :

This decision is in response to the papers filed 11 January 2010 which are treated as a petition under 37 CFR 1.181.

BACKGROUND

On 07 May 2009, applicants filed papers to enter the national stage of PCT/FR2007/052409 with an earliest claimed priority date of 29 November 2006.

On 19 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 07 May 2009. However. the date of completion of all 35 U.S.C. 371 requirements was recorded as 29 May 2009.

On 11 January 2010, applicants filed the subject request.

DISCUSSION

Applicants filed a request to change the "Date of Completion of all 35 U.S.C. 371 Requirements" on the Form PCT/DO/EO/903 mailed 19 October 2009 from 29 May 2009 to 07 May 2009. Applicants claim that the date listed is incorrect. Applicants included a copy of a date-stamped postcard receipt for the documents filed 07 May 2009. Applicants believe that 07 May 2009 is the date that should be recorded on the Form PCT/DO/EO/903 as the "Date of Completion of all 35 U.S.C. 371 Requirements."

This request is treated as a petition under 37 CFR 1.181. No fee is required.

A review of the subject application shows that the international application

claimed priority to French patent application 0655194 filed 29 November 2006.

Section 1893.03(b) of the MPEP explains what the "Date of Completion of all 35 U.S.C. 371 Requirements" recorded on a PCT/DO/EO/903 is relevant for, and states, in part:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) . . . This date is the **latest** of:
>
> > (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);

Here, applicants did not request early processing upon entering the national stage on 07 May 2009. Therefore, the "Date of Completion of all 35 U.S.C. 371 Requirements" of 29 May 2009 is appropriate. This date is thirty months from the priority date of 29 November 2006.

CONCLUSION

For the reason noted above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration on the merits of this decision is requested, applicants have **TWO MONTHS (2)** from the mail date of this decision to submit a response to this decision.

This application is being forwarded to Art Unit 1614 for further examination.

James Thomson

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1 9 MAY 2009

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2020 Front Street, Suite 307
Cuyahoga Falls OH 44221

In re Application of	:	
CHEN	:	
Application No.: 12/312,447	:	
PCT No.: PCT/CN06/02063	:	DECISION ON PETITION
Int. Filing Date: 14 August 2006	:	
Priority Date: None	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: CNIP-K-PCT-US	:	
For: A SOLAR CELL OF QUANTUM WELL STORE	:	
AND METHOD OF PREPARATION	:	

The petition to revive under 37 CFR 1.137(b) filed 11 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 14 August 2006 under 35 U.S.C. 363 and will be given a date of **11 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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21553
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P.O. Box 726
Hampden, ME 04444-0726

In re Application of
HAGEL *et al*
U.S. Application No.: 12/312,535
PCT No.: PCT/DE2007/002147
Int. Filing Date: 28 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 5087
For: METHOD AND DEVICE FOR CONTROLLING THE OPERATING MODE OF AN INTERNAL COMBUSTION ENGINE

DECISION

This decision is in response to the "Request for a Corrected Notice of Acceptance of Application" filed via facsimile on 03 December 2009.

This is treated as a petition under 37 CFR 1.181 and is **GRANTED** as follows:

A declaration in compliance with 37 CFR 1.497(a) & (b) was submitted on 13 May 2009. As such, the date of completion of all 35 U.S.C. 371 requirements on the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) should be recorded as 13 May 2009, not 14 May 2009.

The Form PCT/DO/EO/903 mailed 01 December 2009 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for mailing a corrected Form PCT/DO/EO/903 indicating a date of completion of all 35 U.S.C. 371 requirements of 13 May 2009. The other items discussed in the petition are not required on the Form PCT/DO/EO/903.

James Thomson
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Office of PCT Legal Administration

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1 4 JUL 2009

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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville CA 94662-8097

In re Application of	:	
KLEIN	:	
Application No.: 12/312,629	:	DECISION ON
PCT No.: PCT/IB2007/004229	:	
Int. Filing Date: 06 November 2007	:	PETITION UNDER
Priority Date: 08 November 2006	:	
Attorney Docket No.: 52025-US-PCT	:	37 CFR 1.137(b)
For: QUALITY CONTROL METHODS FOR	:	
OIL-IN-WATER EMULSIONS CONTAINING	:	
SQUALENE	:	

This decision is in response to applicant's submissions filed 18 May 2009 and 29 May 2009.

BACKGROUND

On 06 November 2007, applicants filed international application PCT/IB2007/004229 which designated the U.S. and claimed a priority date of 08 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 May 2009.

On 18 May 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(f).

On 29 May 2009, applicant filed a substitute petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 18 May 2009.

As to item (2), applicant submitted the petition fee on 18 May 2009.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 18 May 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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In re Application of:	:	
MIZOGUCHI, Norihide, et al.	:	DECISION
U.S. Application No.: 12/312,784	:	
PCT No.: PCT/JP2007/073092	:	
International Filing Date: 29 November 2007	:	
Priority Date: 30 November 2006	:	
Attorney Docket No.: 141721	:	
For: CONTROL DEVICE FOR COOLING	:	
FAN FOR VEHICLE	:	

This decision is issued in response to the "Request For Corrected Notification Of Acceptance" filed 16 December 2009, treated herein in part as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the 'Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 07 December 2009. No petition fee is required.

BACKGROUND

On 29 November 2007, applicants filed international application PCT/JP2007/073092. The international application claimed a priority date of 20 November 2006, and it designated the United States. On 12 June 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submitting the basic national fee was 30 May 2009, i.e., thirty months from the priority date.

On 27 May 2009, applicant filed a Transmittal Letter (Form PTO-1390) requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee, and an English translation of the international application.

On 29 May 2009, applicant filed a second Transmittal Letter (Form PTO-1390) accompanied by an executed declaration. The Transmittal Letter filed 29 May 2009 included an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 07 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" as 29 May 2009 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 30 May 2009.

On 16 December 2009, applicants filed the "Request For Corrected Notification Of Acceptance" considered herein.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 29 May 2009. MPEP section 1893.03(b), sets forth the following criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "C" were satisfied as of 27 May 2009, element "D" was satisfied as of 29 May 2009, and elements "F", and "G" do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the second Transmittal Letter filed by applicant on 29 May 2009 included a "request for early processing under 35 U.S.C. 371(f)," and this request was filed earlier than 30 months from the priority date (i.e., prior to 30 May 2009). Accordingly, pursuant to element "E," the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is 29

May 2009, that is, "the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)."

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 07 December 2009, which incorrectly identified 30 May 2009 as the "Date Of Completion Of All 35 U.S.C. 371 Requirements," is appropriately vacated.

A corrected Notification of Acceptance will be issued that properly identifies the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 29 May 2009.

CONCLUSION

The petition to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" is **GRANTED**.

The Notification Of Acceptance mailed 07 December 2009, which incorrectly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 30 May 2009, is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the Date Of Completion Of All 35 U.S.C. 371 Requirements" as **29 May 2009**.

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OFFICE OF PETITIONS

In re Application of	:	
MacGaffey et al.	:	DECISION ON PETITION
Application No. 12/312836	:	TO WITHDRAW
Filed: June 1, 2009	:	FROM RECORD
Title: Smart JMS Network Stack	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 12, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Deborah Neville does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Transmittal Letter filed June 1, 2009 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application.

The request to change the correspondence address of record is not accepted in view of Deborah Neville not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, a courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: DEBORAH NEVILLE
PO BOX 61063
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DEC 07 2009

OFFICE OF PETITIONS

In re application of :
Fajardo :
Application No. 12/312,842 :
Filed: May 28, 2009 :
Attorney Docket No. 80509/GJG/JL :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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25 JUN 2009

Steptoe & Johnson, PLLC
P.O. Box 2190
Clarksburg, W.V. 26302-2190

In re Application of	:	
SZWILSKI, et al.	:	
Application No.: 12/312,937	:	
PCT No.: PCT/US04/33262	:	DECISION ON PETITION
Int. Filing Date: 06 October 2004	:	
Priority Date: 06 October 2003	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 553370/00006I	:	
For: RAILROAD SURVEYING AND MONITORING	:	
SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 01 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 06 October 2004 under 35 U.S.C. 363 and will be given a date of **01 June 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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2 2 JAN 2010

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STEPTOE & JOHNSON
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CLARKSBURG, WV 26302-2190

In re Application of SMIRNOV	:	
U.S. Application No.: 12/312,938	:	
PCT Application No.: PCT/US2007/065298	:	DECISION
Int. Filing Date: 28 March 2007	:	
Priority Date Claimed: 06 November 2006	:	
Attorney Docket No.: 831510/00001	:	
For: MONITOR SUPPORT APPARATUS	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 November 2009.

BACKGROUND

On 28 March 2007, applicant filed international application PCT/US2007/065298, which claimed priority of an earlier United States application filed 06 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 06 May 2009.

On 07 May 2009, international application PCT/US2007/065298 became abandoned as to the United States for failure to timely pay the basic national fee.

On 01 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 17 November 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee. .

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 March 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 June 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
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PCT Legal Office

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