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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

In re Application of BEELEN et al	:	
U.S. Application No.: 12/447,078	:	
PCT Application No.: PCT/IB2007/054260	:	DECISION
Int. Filing Date: 19 October 2007	:	
Priority Date Claimed: 25 October 2006	:	
Attorney Docket No.: 00 6352 US	:	
For: FERROELECTRIC VARACTOR WITH IMPROVED TUNING RANGE	:	

This is in response to applicant's petition to correct inventorship filed 24 April 2009, which is being treated under 37 CFR 1.181.

BACKGROUND

On 19 October 2007, applicant filed international application PCT/IB2007/054260, which claimed priority of an earlier European Patent Office application filed 25 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2009.

On 24 April 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 24 April 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the given name of the fifth inventor should be corrected from "Ruediger" to "Rüdiger".

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 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 19 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 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
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0 8 JUN 2009

87064
Dan L. Dietz
10234 Emerald Drive
Houston, TX 77074

In re Application of	
DIETZ, Dan	
U.S. Application No.: 12/447,245	
PCT No.: PCT/US2006/017979	**DECISION ON**
Int. Filing Date: 09 May 2006	**PETITION UNDER**
Priority Date: 13 May 2005	**37 CFR 1.137(b)**
Docket No.: 1000-0701	
For: METHOD AND APPARATUS FOR ALIGNMENT OF A TRAILER HITCH	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 24 April 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) & (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

- 5 FEB 2010

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EIGHTH FLOOR
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In re Application of SHOURESHI et al	:	
U.S. Application No.: 12/447,428	:	
PCT Application No.: PCT/US2007/082410	:	
Int. Filing Date: 24 October 2007	:	
Priority Date Claimed: 25 October 2006	:	DECISION
Attorney Docket No.: 026882-000410US	:	
For: BRAIN IMAGING SYSTEM AND METHODS FOR DIRECT PROSTHESIS CONTROL	:	

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 25 November 2009.

BACKGROUND

On 24 October 2007, applicant filed international application PCT/US2007/082410, which claimed priority of an earlier United States application filed 25 October 2006. The thirty-month period for paying the basic national fee in the United States expired on 27 April 2009.

On 27 April 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 November 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application became abandoned as to the United States for failure to timely pay the basic national fee.

On 25 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), the required petition fee will be charged to Deposit Account No. 20-1430.

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 24 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 03 August 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
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CST

October 14, 2009

In re application of	:	DECISION ON REQUEST TO
Yoshihiro Kameda	:	PARTICIPATE IN PATENT
Serial No. 12/447,499	:	PROSECUTION HIGHWAY
Filed: April 28, 2009	:	PROGRAM AND
For: PNEUMATIC TIRE WITH	:	PETITION TO MAKE SPECIAL
HIGH SPEED DURABILITY	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 4, 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

19 APR 2010

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BRINKS, HOFER, GILSON & LIONE
P.O. BOX 1340
MORRISVILLE NC 27560

In re Application of
Carell et al.
Application No.: 12/447,526
PCT No.: PCT/EP2007/009474
Int. Filing Date: 31 October 2007
Priority Date: 31 October 2006
Attorney Docket No.: 13978-4; baseclick.002
For: C;ick Chemistry For The
Production Of Reporter Molecules

DECISION

This is in response to the "Petition Under 37 CFR 1.181.." filed on 11 February 2010.

BACKGROUND

This international application was filed on 31 October 2007, claimed an earlier priority date of 31 October 2006, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 May 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 April 2009. Applicants filed *inter alia* the basic national fee on 28 April 2009.

On 18 December 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "04/28/2009" and a "Date of Completion of All 35 U.S.C. 371 Requirements" of "04/30/2009" were mailed to applicants.

DISCUSSION

Counsel requests that "the Notification of Acceptance be reviewed and corrected to accurately identify the date of completion of all 35 U.S.C. 371 requirements as April 28, 2009" rather than 30 April 2009. Review of the record reveals that the requirements of 35 U.S.C. 371(c)(1), (2) and (4) were satisfied on 28 April 2009. However, 35 U.S.C. 371(b) provides that

> Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2), or under article 39 (1)(a) of the treaty.

While 35 U.S.C. 371(f) provides that

> At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

Review of the record reveals that applicants made an "express request" under 35 U.S.C. 371(f) by selecting box 3 on the Transmittal Letter filed on 28 April 2009.

As such, pursuant to 35 U.S.C.(f), the national stage commenced as of 28 April 2009. Accordingly, the Notice of Acceptance mailed on 18 December 2009 was issued in error, and it is hereby **VACATED**.

DECISION

The petition is **GRANTED**, for the above reasons.

This application is being returned to the Office of Patent Application Processing for the preparation and mailing of a new Notice of Acceptance showing a "Date of Completion" of 28 April 2009.

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

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24 SEP 2009

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WRIGLEY & DREYFUS 28455
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:	DECISION ON
SONG et al	:	
Application No.: 12/447,551	:	
PCT No.: PCT/US2007/081757	:	
Int. Filing Date: 18 October 2007	:	PETITION UNDER
Priority Date: 31 October 2006	:	
Attorney Docket No.: 1391/1812	:	
For: FLAVOR RELEASING CORES AND THEIR	:	
USE IN CHEWING GUM	:	37 CFR 1.182

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.182" filed on 30 July 2009. The petition fee of $400.00 has been charged to Deposit Account No. 23-1925 as indicated in the petition.

BACKGROUND

On 28 April 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. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 30 July 2009, petitioner submitted the instant petition, which included an affidavit in support of the name change of the inventor from Holly A. Schmidt to Holly A. Knutsen. In addition, the declaration has been signed by "Holly A. Knutsen."

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 charged to petitioner's deposit account.

With respect to item (2), petitioner has provided with the petition with an affidavit from Holly A. Knutsen explaining her named changed from Holly A. Schmidt (maiden name, legal name) to Holly A. Knutsen (married named), and sets forth the procedure whereby the change of name was effected. She has also signed the affidavit under Holly A. Knutsen. 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 **30 July 2009.**

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June 25, 2009

In re application of	:	DECISION ON REQUEST TO
Yoshinori Kanagawa et al	:	PARTICIPATE IN PATENT
Serial No. 12/447,704	:	PROSECUTION HIGHWAY
Filed: April 29, 2009	:	PROGRAM AND
For: LEATHER-LIKE SHEET	:	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 6, 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

14 MAY 2009

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NIXON & VANDERHYE, PC
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ARLINGTON VA 22203

In re Application of :
RAAMSDONK et al. :
U.S. Application No. 12/447,740 (12/447,733) :
PCT No.: PCT/EP07/61685 :
Int. Filing Date: 30 October 2007 : DECISION
Priority Date: 31 October 2006 :
Attorney Docket No.: 4662-1117/GRT :
For: BUTANOL PRODUCTION IN A :
EUKARYOTIC CELL

The above-identified application is before the Office of PCT Legal Administration for consideration of matters under 35 U.S.C. 371.

BACKGROUND

On 30 October 2007, applicant filed international application No. PCT/EP07/61685, which claimed a priority date of 31 October 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 April 2009.

On 29 April 2009 applicant electronically filed, through the law firm of Nixon & Vanderhye, a transmittal letter for entry into the national stage in the United States (Form PTO-1390). The transmittal referenced attorney docket number GRT/4662-1117 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/EP07/61685, was assigned U.S. application number 12/447,740.

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/EP07/61685. These papers were assigned U.S. application number 12/447,733.

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/EP07/61685 (United States application numbers 12/447,740 and 12/447,733). 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 12/447,740 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 12/447,740 is the application file that will continue to be processed as the national stage of PCT/EP07/61685. The second set of national stage materials filed on 29 April 2009 and originally assigned U.S. application number 12/447,733 will be placed in the present application file, and U.S. application number 12/447,733 will be discontinued.

Applicants should use application number **12/447,740** in all future communications with the United States Patent and Trademark Office (USPTO).

Application number 12/447,733 will be discontinued.

CONCLUSION

U.S. application number 12/447,740 is the national stage of PCT/EP07/61685.

Application number 12/447,733 will be discontinued. These papers will be moved to application **12/447,740**.

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14 MAY 2009

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KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036-4003

In re Application of FRANZ et al.	
Application No.: 12/447,783	
PCT No.: PCT/EP07/59053	DECISION ON
Int. Filing: 30 August 2007	
Priority Date: 09 October 2006	PETITION TO REVIVE
Attorney Docket No.:03869-105976	
For: METHOD FOR CONTROLLING AND/OR REGULATING AN INDUSTRIAL PROCESS	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 29 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 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 29 April 2009.

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of BECO PINTO REIS et al.	:	DECISION ON
Application No.: 12/447,793	:	
PCT No.: PCT/PT07/00046	:	PETITION UNDER
Int. Filing: 24 October 2007	:	
Priority Date: 25 October 2006	:	37 CFR 1.137(b)
Attorney Docket No.: Q97830	:	
For: ORAL SUBMICRON PARTICLE DELIVERY SYSTEM FOR PROTEINS AND PROCESS FOR ITS PRODUCTION	:	

The petition to revive under 37 CFR 1.137(b) filed 29 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 this petition under 37 CFR 1.137(b) was unintentional" meets requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee was provided. The declaration, executed by the inventors and in compliance with 37 CFR 1.497(a) and (b), has been provided. The required petition fee of $1610 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 29 April 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
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DANIEL J SWIRSKY
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BEIT SHEMESH 99544 IL ISRAEL

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of :

KLAYMAN, Avi :
Application No. 12/447,944 : DECISION ON PETITION
Filed: December 28, 2009 : TO WITHDRAW
Attorney Docket No. **1826-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 May 11, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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 cannot be approved because no change of address was provided.

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

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.
12/448,046	08/24/2009	Shuji Senda	WO06-329486US	8966

7590 05/17/2010

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
2431	
MAIL DATE	DELIVERY MODE
05/17/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT and TRADEMARK OFFICE

14 AUG 2009

COMMISSIONER FOR PATENTS
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Levy & Grandinetti
PO Box 18385
Washington, D.C. 20036-8385

In re Application of	:	DECISION ON
JERKOVIC et al	:	
Application No.: 12/448,111	:	
PCT No.: PCT/EP2007/063558	:	
Int. Filing Date: 7 December 2007	:	PETITION UNDER
Priority Date: 7 December 2006	:	
Attorney's Docket No.: LBT169US (8010433/IN)	:	
For: SPENT HOP PRODUCTS, ...	:	
ANTIOXIDANT FOR CO	:	37 CFR 1.137(b)

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. 1.137(b)," filed on 09 June 2009.

BACKGROUND

On 7 December 2007, this international application was filed, claiming an earliest priority date of 7 December 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 07 June 2009. This international application became abandoned with respect to the United States at midnight on 07 June 2009 for failure to pay the required basic national fee.

On 09 June 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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 OCT 2009

Commissioner for Patents
United States Patent and Trademark Office
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Novartis Vaccines and Diagnostics, Inc.
Corporate Intellectual Property, X100B
P.O. Box 8097
Emeryville, CA 94608

In re Application of	:	
SCARSELLI, et al.	:	
U.S. Application No.: 12/448,126	:	DECISION ON PETITION
Receipt Date: 08 June 2009	:	
Attorney Docket No.: 52700-US-NP	:	UNDER37 CFR 1.182
For: ANTIBODIES AGAINST NEISSERIA FACTOR H BINDING PROTEIN	:	

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182" filed 05 October 2009 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $400.00 petition fee.

BACKGROUND

On 28 September 2009, applicant was mailed a communication advising applicant that the application filed 08 June 2009 appeared to be an application under 35 U.S.C. 111; however, applicant had used a Form PTO-1390 transmittal letter for entering the U.S. National stage pursuant to 35 U.S.C. 371. Applicant was afforded two months to file a petition under 37 CFR 1.182 to correct the error and have the application processed under 35 U.S.C. 111.

On 05 October 2009, applicant filed the petition discussed herein.

DISCUSSION

As noted above, the transmittal letter provided by applicant failed to identify an international application to which the submission was directed; while still seeking entry into the U.S. National stage under 35 U.S.C. 371. Correction of this error is required before the materials filed 08 June 2009 can be treated as a regular U.S. application under 35 U.S.C. 111 claiming priority to provisional application 61/131,597.

Applicant's present petition acknowledges the error in use of the Form PTO-1390 transmittal letter; confirms that applicant intended to file a regular, U.S. utility application under 35 U.S.C. 111(a) and provides payment of the appropriate petition fee. Therefore, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons detailed above, applicant's petition is **GRANTED**.

This application is being forwarded to the Office of Initial Patent Examination for processing as a regular, U.S. utility application under 35 U.S.C. 111(a).

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

14 SEP 2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH VA 22042

In re Application of JENSEN
Application No.: 12/448,253
PCT No.: PCT/DK07/00547
Int. Filing: 14 December 2007
Priority Date: 15 December 2006
Attorney Docket No.:DE030225US1
For: REINFORCED AERODYNAMIC PROFILE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 15 July 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 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 national basic fee was provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) were 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 indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) is required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

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

2 3 OCT 2009

United States Patent and Trademark Office

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SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET, SUITE 600
ALEXANDRIA VA 22314

In re Application of	:	
Thumm et al.	:	
Application No.: 12/448,256	:	
PCT No.: PCT/EP2008/005535	:	
Int. Filing Date: 08 July 2008	:	DECISION
Priority Date: 07 August 2007	:	
Attorney Docket No.: 7711	:	
For: Elevator System	:	

This is in response to the "Request For Corrected Notice Of Acceptance Of Application" filed on 19 August 2009.

BACKGROUND

This international application was filed on 08 July 2008, claimed an earlier priority date of 07 August 2007,and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 12 February 2009. The 30 month time period for paying the basic national fee in the United States will expire at midnight on 08 February 2010 (since 07 February 2010 will be a Sunday). Applicants filed, *inter alia*, a basic national fee on 15 June 2009.

On 03 August 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a "06/15/2009" date under 35 U.S.C. 371(c)(1), (2) and (4) and a "06/19/2009" completion date were mailed to applicants.

DISCUSSION

Counsel requests correction of the Notice of Acceptance because "We believe that the second date should be the same as the first date, which is 06/15/2009, since we filed all the 35 U.S.C. requirements on this date." MPEP 1893.01 explains (in part) that

> Subject to 35 U.S.C. 371(f), commencement of the national stage occurs upon expiration of the applicable time limit**>under PCT Article 22(1) or (2), or under PCT Article 39(1)(a). See< 35 U.S.C. 371(b) and 37 CFR 1.491(a). >PCT Articles 22(1), 22(2), and 39(1)(a) provide for a time limit of not later than the expiration of 30 months from the priority date. Thus, in the absence of an express request for early processing of an international application under 35 U.S.C. 371(f) and compliance with the conditions provided therein, the U.S. national stage will commence upon expiration of 30 months from the priority date of the international application. Pursuant to 35 U.S.C. 371(f), the national stage may commence earlier than 30 months from the priority date, provided applicant makes an express request for early processing and has complied with the applicable requirements under 35 U.S.C. 371(c).<

while MPEP 1893.03(b) explains (in part) that

> 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) and 37 CFR

1.702(a)(1) when the USPTO has failed to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date 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.

Upon review of the instant application file, it appears that applicants did not make a request pursuant to 35 U.S.C. 371(f). Accordingly, in the absence of such a request, the national stage will not commence until after the expiration of 30 months from the priority date. Therefore, the Notice of Acceptance mailed on 03 August 2009 was defective, and it is hereby **VACATED**.

DECISION

Applicants' request is **DISMISSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, any request for reconsideration 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,273	06/16/2009	Takahiro Kiyofuji	141922	2601

25944 7590 04/14/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
04/14/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
KIYOFUJI, TAKAHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/448,273	:	PARTICIPATE IN PATENT
Filed: June 16, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 141922	:	PROGRAM AND PETITION
For: EXHAUST EMISSION PURIFICATION CONTROL DEVICE FOR INTERNAL COMBUSTION ENGINE	:	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 12, 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. Thomas Denion, Art Unit 3748 at 571-272-4859 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

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.
12/448,360	06/18/2009	Bernd Klaus Faist	W1.2815 PCT-US	6512

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
Bernd Klaus FAIST
Application No.: 12/448,360
Filed: 18 June 2009
Attorney Docket No.: W1.2815 PCT-US
For: DEVICES COMPRISING SEVERAL SPACED-APART STORAGE COMPARTMENTS

: 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 62 of the instant application recites "at least one plate storage positioning device in engagement with said first and second storage compartment" and "selectively position said opening area" whereas claim 1 of the EPO PCT application recites "at least one positioning means is provided" and "adjusts at least one opening area." These limitations are not commensurate in scope.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,360	06/18/2009	Bernd Klaus Faist	W1.2815 PCT-US	6512

23294 7590 06/24/2010

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/24/2010	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
Bernd Klaus FAIST
Application No.: 12/448,360
Filed: 18 June 2009
Attorney Docket No.: W1.2815 PCT-US
For: DEVICES COMPRISING SEVERAL SPACED-APART STORAGE COMPARTMENTS

: 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 **GRANTED**.

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, KIPO, 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 VII;

(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;

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

(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).

The request to participate in the PCT-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 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

05 FEB 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Application of BAUER et al :
U.S. Application No.: 12/448,398 :
PCT Application No.: PCT/AT2007/000576 :
Int. Filing Date: 19 December 2007 :
Priority Date Claimed: 19 December 2006 : DECISION
Attorney Docket No.: BAUER ET AL - 11 PCT :
For: DEVICE FOR DETECTING THE :
LOCATION COORDINATES OF A PRESSURE :
POINT WITHIN A SENSOR FIELD :

This is in response to applicant's correspondence filed 30 October 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 19 December 2007, applicant filed international application PCT/AT2007/000576, which claimed priority of an earlier Austria application filed 19 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 26 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 19 June 2009.

On 18 June 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 19 June 2009, applicant purportedly filed an executed declaration.

On 20 October 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 30 October 2009, applicant filed the present petition under 37 CFR 1.181.

On 19 January 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that a surcharge for late submission of the declaration is due.

DISCUSSION

The evidence of record is sufficient to establish that the declaration was originally filed on 19 June 2009. Specifically, the copy of the return postcard, which includes the declaration in its itemized contents and which bears a USPTO date stamp of 19 June 2009, serves as *prima facie* evidence that the declaration was received by the USPTO on 19 June 2009.

CONCLUSION

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

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 19 January 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 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

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

December 16, 2009 BC

In re application of	:	DECISION ON REQUEST TO
Yoshinori Kanagawa	:	PARTICIPATE IN PATENT
Serial No. 12/448,523	:	PROSECUTION HIGHWAY
Filed: June 24, 2009	:	PROGRAM AND
For: MOISTURE-CURABLE POLYURETHANE	:	PETITION TO MAKE SPECIAL
HOT MELT ADHESIVE, AND LAMINATE AND	:	UNDER 37 CFR 1.102(d)
MOISTURE-PERMEABLE FILM USING THE SAME	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 28, 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 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

14 AUG 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of:	:	
ESMAIL, Omar, Jubran	:	
U.S. Application No.: 12/448544	:	DECISION ON PETITION
PCT No.: PCT/US2007/024106	:	
International Filing Date: 15 November 2007	:	
Priority Date: 05 December 2006	:	
Atty Docket No.: 210,423	:	
For: OIL WELL STAGE-CEMENTING METAL PLATE	:	

The petition for revival under 37 CFR 1.137(b) filed 23 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/024106 became abandoned with respect to the United States at midnight on 05 June 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 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 23 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

27 AUG 2009

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Dr. Benjamin Adler
ADLER & ASSOCIATES
8011 Candle Lane
Houston, TX 77071

In re Application of :
XIE *et al* :
U.S. Application No.: 12/448,655 :
PCT No.: PCT/US2007/023671 :
Int. Filing Date: 09 November 2007 :
Priority Date: 09 November 2006 :
Docket No.: D6739 :
For: HEDGEHOG SIGNALING PATHWAY PROTEINS AND USES THEREOF :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 30 June 2009 is hereby **GRANTED** as follows:

The appropriate fees and the petition fee for a small entity 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.

The declaration submitted with the national stage papers on 30 June 2009 is not in compliance with 37 CFR 1.497(a)(3). The declaration provided to each inventor does not list the proper inventive entity[1].

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing 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) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] Only one inventor is listed on each declaration. The declaration provided to each inventor must list all three inventors.

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0 8 OCT 2009

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THE FIRM OF HUESCHEN & SAGE PLLC
SEVENTH FLOOR, KALAMAZOO BUILDING
107 WEST MICHIGAN AVENUE
KALAMAZOO, MI 49007

In re Application of	:	
KALVINSH, et al.	:	
Application No.: 12/448,670	:	
PCT No.: PCT/EP2007/064647	:	
Int. Filing Date: 28 December 2007	:	DECISION ON PETITION
Priority Date: 29 December 2006	:	
Atty. Docket No.: GRINDEX 6 PCT	:	
For: PROCESS FOR PREPARATION OF 6-[3-(1-ADAMANTYL)-4-METHOXYPHENYL]-2-NAPHTOIC ACID	:	

The petition to revive under 37 CFR 1.137(b) filed 28 September 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 proper identification of the appropriate international application number for the association of the full, U.S. Basic National Fee payment. 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 of the present application as the U.S. National stage entry of international application PCT/EP2007/064647 associated with customer number 25,666.

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

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NIELDS, LEMACK & FRAME, LLC
176 E. MAIN STREET
SUITE #5
WESTBOROUGH, MA 01581

COPY MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
A. K. Gunnar ABERG :
Application No. 12/448,760 : DECISION ON PETITION
Filed: July 6, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 559P038-US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 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 Drivers License and statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ella Colbert at 571-272-6741, or in her absence, the undersigned at (571) 272-7099.

David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,873	07/13/2009	Karl Robert Schäfer	W1.2905 PCT-US	6872

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
Karl Robert SCHäFER
Application No.: 12/448,873
Filed: 13 July 2009
Attorney Docket No.: W1.2905 PCT-US
For: METHOD FOR THE ARRANGMENT OF PRINTING BLOCKS ON A PLATE CYLINDER OF A PRINTING MACHINE

: 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 18 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 24 of the instant application defines the storage position spacing to be "a storage position spacing distance" whereas claim 1 of the EPO PCT application defines the spacing as a "fixed distance" and claim 24 also recites the steps of supporting, removing, and mounting which are not in claim 1 of the EPO PCT application.

Additionally, the claims correspondence table does not appear to be complete. For example, the claims correspondence table list claims 24-36 of the instant application as corresponding to claims 1-15 of the EPO PCT application. It is not clear how 13 claims in the instant application can correspond to 15 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/448,873	07/13/2009	Karl Robert Schäfer	W1.2905 PCT-US	6872

23294 7590 06/24/2010

JONES, TULLAR & COOPER, P.C.
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EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/24/2010	PAPER

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
Karl Robert SCHäFER
Application No.: 12/448,873
Filed: 13 July 2009
Attorney Docket No.: W1.2905 PCT-US
For: METHOD FOR THE ARRANGMENT OF PRINTING BLOCKS ON A PLATE CYLINDER OF A PRINTING MACHINE

: 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 18 February 2010 and renewed on 10 May 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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, KIPO, 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 VII;

(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;

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

(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).

The request to participate in the PCT-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 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

28 AUG 2009

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Peter Hochbert
1940 East Sixth Street -6th Floor
Cleverland OH 44114-2294

In re Application of:	:	
WEDDERBURN, James, et al.	:	
U.S. Application No.: 12/448,984	:	DECISION ON PETITION
PCT No.: PCT/CA2007/001287	:	
International Filing Date: 20 July 2007	:	
Priority Date: 20 July 2006	:	
Atty Docket No.: AN4703US (#90752)	:	
For: UTENSIL	:	

The petition for revival under 37 CFR 1.137(b) filed 20 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/CA2007/001287 became abandoned with respect to the U.S. at midnight on 20 January 2009 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. Revival of the application for purposes of the U.S. is therefore appropriate.

It is noted that applicants' 20 July 2009 submission included an executed declaration in compliance with 37 CFR 1.497(d) and payment of the small entity surcharge for filing 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 20 July 2009.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,067	07/22/2009	Christian Bünner	W1.2897 PCT-US	7871

23294 7590 03/25/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
03/25/2010	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
BüNNER et at.
Application No.: 12/449,067
Filed: 22 July 2009
Attorney Docket No.: W1.2897 PCT-US
For: PRINTING UNIT OF A ROTARY PRINTING PRESS AND A METHOD FOR WASHING A DAMPENING UNIT OF A PRINTING UNIT

: 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 17 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 43 of the instant application defines the direct engagement of the ink forme roller and the direct engagement of the damping forme rollers relative to the initial position. Additionally, at least claims 60, 64, 68-70, 72-73, 75, 77-79, 82, and 84 of the instant application do not sufficiently correspond to the claims of 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

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.
12/449,067	07/22/2009	Christian Bünner	W1.2897 PCT-US	7871

23294 7590 06/02/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/02/2010	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
BüNNER et at.
Application No.: 12/449,067
Filed: 22 July 2009
Attorney Docket No.: W1.2897 PCT-US
For: PRINTING UNIT OF A ROTARY PRINTING PRESS AND A METHOD FOR WASHING A DAMPENING UNIT OF A PRINTING UNIT

: 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 17 February 2010 and renewed on 20 April 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 43 of the instant application still defines the direct engagement of the ink forme roller and the direct engagement of the damping forme rollers relative to the initial position whereas the claim 1 of the PCT application defines the direct engagement relative to printing operation and claim 84 of the instant application recites "three damping unit rollers" compared to the "damping distribution roller(21), smoothing roller (22) and damping forme roller (23) recited in claim 42 of the PCT application. At least claims 43, 60, 68-70, 75, 77, 79, and 84 of the instant application do not sufficiently correspond to the claims of the PCT application.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,067	07/22/2009	Christian Bünner	W1.2897 PCT-US	7871

23294 7590 06/23/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/23/2010	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
BüNNER et at.
Application No.: 12/449,067
Filed: 22 July 2009
Attorney Docket No.: W1.2897 PCT-US
For: PRINTING UNIT OF A ROTARY PRINTING PRESS AND A METHOD FOR WASHING A DAMPENING UNIT OF A PRINTING UNIT

: 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 17 February 2010 and renewed on 20 April 2010, to make the above-identified application special.

The decision mailed 02 June 2010 is hereby **VACATED**.

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 43 of the instant application still defines the direct engagement of the ink forme roller and the direct engagement of the damping forme rollers relative to the initial position whereas the claim 1 of the PCT application defines the direct engagement relative to printing operation and claim 79 of the instant application requires the at least one displaceable ink forme roller be engageable with the forme cylinder which is not present in claim 37 of the PCT application.

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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MAILED

MAY 24 2010

OFFICE OF PETITIONS

GORDON E. DOWER
2266 SUNRISE DRIVE
POINT ROBERTS, WA 98281

In re Application of	:	
Gordon Ewbank Dower	:	
Application No. 12/449,170	:	ON PETITION
Filing: July 27, 2009	:	
Attorney Docket No. DOW0222 US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 15, 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 the applicant that he is at least 65 years of age and is also accompanied with a copy of applicant's Washington Driver's License. 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 3661 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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March 29, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Masayoshi Suzuta	:	PARTICIPATE IN PATENT
Serial No. 12/449,171	:	PROSECUTION HIGHWAY
Filed: July 27, 2009	:	PROGRAM AND
For: PACKING MATERIAL FOR LITHIUM CELL AND PRODUCTION METHOD THEREOF	:	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 29, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,226	07/29/2009	Hiroshi Imoto	2009_1167A	6966

7590 05/28/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
1614	
NOTIFICATION DATE	DELIVERY MODE
05/28/2010	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.

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

12 FEB 2010

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

25889
COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

In re Application of :
RAU, Kurt :
U.S. Application No.: 12/449,365 :
PCT No.: PCT/EP2008/050715 :
Int. Filing Date: 22 January 2008 : **DECISION**
Priority Date: 13 March 2007 :
Attorney Docket No.: RAU-2PCT :
For: LARGE MANIPULATOR :

This decision is in response to the declaration filed on 04 August 2009 which is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 04 August 2009, applicant submitted papers to enter the national stage of PCT/EP2008/050715 which was accompanied by, *inter alia*, a declaration executed by four heirs of the 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.

Applicant submitted a declaration executed by four heirs (Ute Margarethe RAU, Andreas RAU, Michael RAU and Christine RAU) of the sole inventor, Kurt RAU. The declaration provides the citizenship, residence and address required by 37 CFR 1.497(b)(2). Moreover, the required information for the sole inventor is recorded on the declaration.

The statement "sole legal heirs" on the declaration is interpreted as meaning that these four individuals constitute all the heirs of the deceased inventor and they are acting as his legal representative. If this interpretation is incorrect, applicant must immediately notify the Office.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 22 January 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 04 August 2009.

This application is being forwarded to the Office of Patent Application Processing for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 2 7 2009

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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	:	
Nomiya Tomosha	:	DECISION ON REQUEST TO
Application No. 12/449,371	:	PARTICIPATE IN PATENT
Filed: 08/05/2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2009_1065A	:	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 14, 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 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.

/Ram R. Shukla/

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

United States Patent and Trademark Office

22 JAN 2010

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

DOWELL & DOWELL P.C.
103 Oronoco St.
Suite 220
Alexandria VA 22314

In re Application of
Belouchi et al.
Application No.: 12/449,396
PCT No.: PCT/US2008/001528
Int. Filing Date: 06 February 2008
Priority Date: 06 February 2007
Attorney Docket No.: 16971NP
For: Genemap Of The Human Genes Associated With ADHD

DECISION

This is in response to the correspondence filed on 12 November 2009.

BACKGROUND

This international application was filed on 06 February 2008, claimed an earlier priority date of 06 February 2007, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 06 August 2009. Applicants filed *inter alia* the basic national fee on 06 August 2009.

On 11 September 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring claim fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b), and the surcharge under 37 CFR 1.492(h).

On 12 November 2009, applicants filed a response.

On 20 January 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "11/12/2009" were mailed.

DISCUSSION

Counsel has provided a copy of Form PCT/IB/306 showing that Daniel Dubois was added as an applicant/inventor during the international phase. However, inspection of the declaration filed on 12 November 2010 reveals that it is directed toward application no. "12/444,396," not the instant application number; as such, it is ambiguous as to which application is being executed. The declaration is also defective in that it includes un-initialed alterations. In addition, the spelling of inventor Briand's first name does not match that appearing on the published international application. Also, the declaration appears to have been assembled by combining separately-signed sheets into a single document (see pages 4 and 5, as well as 7 and 8). MPEP 605.04(a) states in part that

> An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. 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).<

While MPEP 201.03 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. 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).

For these reasons, it would not be appropriate to accept the declaration filed on 12 November 2009. Accordingly, the Filing Receipt and Notice of Acceptance mailed on 20 January 2010 were issued in error, and both are hereby **VACATED**.

Counsel argues that,"the application only includes 24 claims in excess of 20, so the additional claim fees should be $1,908.00, as opposed to $1,960.00..." Inspection of the preliminary amendment filed on 06 August 2009 reveals that it includes 44 claims, but it does not appear to comply with 37 CFR 1.121(c)(1) because the claims are not "presented in ascending numerical order." Instead, claim 155 is followed by claims 148, 147, 150 *et seq. See* MPEP 714. Therefore, it is not clear that applicant is entitled to pay for only 24 claims in excess of 20.

DECISION

The request is **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED**, without prejudice.

Applicants must file a response within **TWO (2) MONTHS** from the mailing date of this Decision, extendable under 37 CFR 1.136(a). Failure to timely reply 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

UNITED STATES PATENT AND TRADEMARK OFFICE

29 MAR 2010

Commissioner for Patents
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of:	:	
HAMADA, Kenichi, et al.	:	DECISION
U.S. Application No.: 12/449,548	:	
PCT No.: PCT/JP2008/052327	:	
International Filing Date: 13 February 2008	:	
Priority Date: 14 February 2007	:	
Atty Docket No.: 142529	:	
For: POWER SUPPLY SYSTEM	:	

This decision is issued in response to the "Request For Correction Of Notice Of Acceptance" filed 18 December 2009, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application. No petition fee is required.

BACKGROUND

On 13 February 2008, applicants filed international application PCT/JP2008/0523327. The international application claimed a priority date of 14 February 2007, and it designated the United States. On 21 August 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., 14 August 2009.

On 13 August 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 an English translation of the international application.

On 14 October 2009, applicants filed an executed declaration in compliance with 37 CFR 1.497 accompanied by payment of the $130 surcharge for filing the oath or declaration later than thirty months after the priority date and an express request to begin national examination procedures.

On 27 October 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 13 August 2009 and the "Date Of Completion Of All U.S.C. 371 Requirements" as 14 October 2009. The Notification also indicated that the "Request for Immediate Examination" was filed on 13 August 2009. Also on 27 October 2009, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 13 August 2009.

On 18 December 2009, applicants filed the "Request For Correction Of Notice Of Acceptance" considered as a petition under 37 CFR 1.181. The petition asserts that the declaration completing the requirements of 35 U.S.C. 371(c)(4), and the request for express examination, were filed on 14 October 2009, and it requests that the Notification Of Acceptance be corrected accordingly.

DISCUSSION

A review of the application file confirms that the declaration completing the requirements of 35 U.S.C. 371(c) was filed on 14 October 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 14 October 2009, as asserted by applicants in the present petition. The application file also confirms that the express request to begin national examination procedures was first filed on 14 October 2009.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 27 October 2009, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the receipt date of the "Request for Immediate Examination" as 13 August 2009, is appropriately vacated. In addition, the filing receipt mailed on 27 October 2009, which incorrectly identified the 35 U.S.C. 371(c) date as 13 August 2009, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the receipt date of the "Request for Immediate Examination" as 14 October 2009.

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) and filing receipt mailed 27 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) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the receipt date of the "Request for Immediate Examination" as 14 October 2009, as well as a corrected filing receipt identifying the date under 35 U.S.C. 371(c) as 14 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,672	08/19/2009	Satoshi Ucoka	09523/HG	9158

1933 7590 02/19/2010

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER	
ZHENG, LOIS L	

ART UNIT	PAPER NUMBER
1793	

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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Alexandria, VA 22313-1450
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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
UEOKA, SATOSHI et al.	:	DECISION ON REQUEST TO
Application No. 12/449,672	:	PARTICIPATE IN PATENT
Filed: Aug. 19, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 09523/HG	:	PROGRAM AND PETITION
For: DEVICE AND METHOD FOR	:	TO MAKE SPECIAL UNDER
COOLING HOT STRIP	:	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. 9, 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).

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.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to Examiner Debra Sullivan, Art Unit 3725 for action on the merits commensurate with this decision.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,685	08/20/2009	Akira Hasuike	488-036	6261

47888 7590 06/16/2010

HEDMAN & COSTIGAN, P.C.
1230 AVENUE OF THE AMERICAS
7th floor
NEW YORK, NY 10020

EXAMINER	
VU, KIEU D	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
06/16/2010	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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Hedman & Costigan PC
1185 Avenue of the Americas
New York, NY 10036

In re Application of: HASUIKE A.
Application No. 12/449,685
Filed August 20, 2009
For: Image display updating method, server client system and drawing operation echo.

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 23, 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 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. Items 2 and 3. above. Specifically,

The claims in the U.S. application do not sufficiently correspond to the allowable/patentable claim(s) in the JPO application.
In particular, the Claims Correspondence Table provides that US Claim 6 corresponds to JPO claim 8 and US Claim 17 corresponds to JPO Claim 8. However the claims do not correspond. The limitations of the JPO claim 8 are not found to be part of claims 6 and 17 of the corresponding US application.

Further, Claims 1 and 12 contain additional text which seem to define "web browser" , "HTTP request" and "XML HTTP request" beyond what is found in the corresponding claims 1 and 2 of the allowed Japanese application.

Accordingly, 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
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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28 OCT 2009

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CARGILL & ASSOCIATES, P.L.L.C.
56 MACOMB PLACE
MT. CLEMENS MI 48043

In re Application of	: DECISION ON
NOEL II. Phares A.	:
Application No.: 12/449,711	:
PCT No.: PCT/US07/84572	:
Int. Filing Date: 13 November 2007	: PETITION UNDER
Priority Date: 13 November 2006	:
Attorney's Docket No.: Noel P-301US	:
For: SPACE MONITORING DETECTOR	: 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 24 August 2009.

BACKGROUND

On 13 November 2007, this international application was filed, claiming an earliest priority date of 13 November 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 May 2009. This international application became abandoned with respect to the United States at midnight on 13 May 2009 for failure to pay the required basic national fee.

On 24 August 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, petition fee, and 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 **24 August 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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MAR 2 4 2010

Finnegan, Henderson, Farabow, Garrett
& Dunner LLP
901 New York Avenue, N.W.
Washington, DC 20001-4413

In re application of
Makoto Nakao et al.
Application No. 12/449,724
Filed: August 24, 2009
For: VEHICLE DOOR

: **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 **DISMISSED**.

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).

The petition and request fails to satisfy requirement (2) above. The petition includes a statement that that "attached document...is an accurate translation of the PCT/US2008/057353". However, the PPH program requires that applicant submit a statement that the English translation of the claims is accurate.

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 inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

3/23/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,724	08/24/2009	Makoto Nakao	05435.0097	3407

22852 7590 04/16/2010

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
STRIMBU, GREGORY J	

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
04/16/2010	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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Alexandria, VA 22313-1450
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Finnegan, Henderson, Farabow, Garrett
& Dunner LLP
901 New York Avenue, N.W.
Washington, DC 20001-4413

In re application of
Makoto Nakao et al.
Application No. 12/449,724
Filed: August 24, 2009
For: VEHICLE DOOR

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 April 14, 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).

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

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

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

4/15/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/449,796	08/27/2009	Yusuke Kamata	142685	5038

25944 7590 07/01/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
JOHNSON, CHRISTINA ANN	
ART UNIT	**PAPER NUMBER**
1791	

NOTIFICATION DATE	DELIVERY MODE
07/01/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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CT

June 30, 2010

In re application of	:	DECISION ON REQUEST TO
Yusuke Kamata et al	:	PARTICIPATE IN PATENT
Serial No. 12/449,796	:	PROSECUTION HIGHWAY
Filed: August 27, 2009	:	PROGRAM AND
For: METHOD FOR MANUFACTURING	:	PETITION TO MAKE SPECIAL
IMAGE DISPLAY DEVICE	:	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 April 16, 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) Applicant must submit a claims correspondence table in English and all the independent 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

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

The request to participate in the PPH program and petition fail because:

(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.

Applicant indicates that a copy of all claims which were indicated as having novelty, inventive step, and industrial applicability in the PCT is attached to the Request for Participation in the PCT-PPH Pilot Program. While it appears that applicant has provided an amendment of the claims in the PCT, this amendment does not contain a full listing of the claims (for example, for claim 4, only a portion of the claim is reproduced). Furthermore, there is no statement that the English translation is accurate.

(4) Applicant must submit a claims correspondence table in English and all the independent 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);

As a complete listing of the claims indicated as having novelty, inventive step, and industrial applicability in the PCT has not been provided, it cannot be determined if the claims of the present application sufficiently correspond to the claims of the PCT.

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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." 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 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

- 4 NOV 2009

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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

In re Application of	DECISION ON
Huang Fei	
Application No.: 12/449,811	
PCT No.: PCT/US2008/050495	
Int. Filing Date: 08 January 2008	PETITION UNDER
Priority Date: 09 January 2007	
Attorney's Docket No.: 10989-US-PCT	
For: IDENTIFICATION OF ...	
IN PROSTATE CELLS	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 27 August 2009.

BACKGROUND

On 08 January 2008, this international application was filed, claiming an earliest priority date of 09 January 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 August 2009. This international application became abandoned with respect to the United States at midnight on 09 August 2009 for failure to pay the required basic national fee.

On 27 August 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

- 4 NOV 2009

UNITED STATES PATENT and TRADEMARK OFFICE

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LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

In re Application of	:	DECISION ON
Huang Fei	:	
Application No.: 12/449,811	:	
PCT No.: PCT/US2008/050495	:	
Int. Filing Date: 08 January 2008	:	PETITION UNDER
Priority Date: 09 January 2007	:	
Attorney's Docket No.: 10989-US-PCT	:	
For: IDENTIFICATION OF ...	:	
IN PROSTATE CELLS	:	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 27 August 2009.

BACKGROUND

On 08 January 2008, this international application was filed, claiming an earliest priority date of 09 January 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 09 August 2009. This international application became abandoned with respect to the United States at midnight on 09 August 2009 for failure to pay the required basic national fee.

On 27 August 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
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12 APR 2010

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Robert M Gamson
Hodes Pessin & Katz
901 Dulaney Valley Road
Suite 400
Towson MD 21204

In re Application of	:	
FUNDERBURK (Deceased)	:	DECISION ON
Application No.: 12/449,943	:	
PCT No.: PCT/US08/02843	:	REQUEST
Int. Filing Date: 04 March 2008	:	
Priority Date: 05 March 2007	:	UNDER 37 CFR 1.42
Attorney Docket no.: 025155.002	:	
For: GUARDED SURGICAL SCALPEL WITH MEANS FOR MOUNTING A BLADE THEREON	:	

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 04 February 2010.

BACKGROUND

On 03 September 2009, applicant filed a Transmittal Letter requesting 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.

On 29 December 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) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 February 2010, applicant filed a multi-page declaration executed by an unidentified personal representative of the deceased inventor Robert V. Funderburk.

On 24 March 2010, a Notification of Acceptance was erroneously mailed.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply

for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. *37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.*

The declaration submitted on 04 February 2010 is signed by an individual, who is identified as the personal representative of the deceased inventor Robert V. Funderburk. However, the declaration fails to provide the name of this personal representative and does not identify the citizenship, residency and mailing address for both the deceased inventor and the legal representative as is required. Thus, the declaration as submitted does not meet the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

Moreover, the declaration appears to be a two page declaration. However, the declaration is comprised of four pages: a first page and three Page 2s are submitted. These pages are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations and 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. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

Since the declaration is unacceptable, the 24 March 2010 Notification of Acceptance is hereby **VACATED**.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**. The declaration does not meet the requirements of 37 CFR 1.497(a) and (b).

The 24 March 2010 Notification of Acceptance is hereby **VACATED**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

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.

/Cynthia M. Kratz/
Cynthia M. Kratz
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PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

14 JUN 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Robert M Gamson
Hodes Pessin & Katz
901 Dulaney Valley Road
Suite 400
Towson MD 21204

In re Application of :
FUNDERBURK (Deceased) :
Application No.: 12/449,943 :
PCT No.: PCT/US08/02843 :
Int. Filing Date: 04 March 2008 :
Priority Date: 05 March 2007 :
Attorney Docket no.: 025155.002 :
For: GUARDED SURGICAL SCALPEL WITH MEANS FOR MOUNTING A BLADE THEREON :

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 along with complete executed declarations filed in the United States Patent and Trademark Office (USPTO) on 06 May 2010.

BACKGROUND

On 29 December 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) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 04 February 2010, applicant filed a multi-page declaration executed by an unidentified personal representative of the deceased inventor Robert V. Funderburk.

On 24 March 2010, a Notification of Acceptance was erroneously mailed. On 12 April 2010, a decision dismissing the request for status under 37 CFR 1.42 was mailed.

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. *37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.*

Petitioner states that the declaration was signed by the personal representative of the deceased inventor and provides her name, residency, citizenship and mailing address. However, the declaration is unacceptable because *the declaration itself does not identify the name of the legal representative and does not indicate the citizenship, residency and mailing address of the*

legal representative and that of the deceased inventor as required by 37 CFR 1.497(b)(2).

On 06 May 2010, Petitioner submitted three complete declarations. The declarations executed by the joint inventors are acceptable as filed. However, with respect to the declaration signed by the legal representative of the deceased inventor Funderburk, the declaration does not satisfy 37 CFR 1.497(a) and (b). As stated above, the declaration fails to identify the legal representative, and to identify the citizenship, residency and mailing address for both the deceased inventor and the legal representative, as is required. Thus, the declaration on behalf of the deceased inventor does not meet the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

A new declaration executed by the legal representative, in compliance with 37 CFR 1.497(a) and (b) is required. The declaration must identify all inventors and provide their citizenship, residency and mailing address for all inventors including the deceased inventor and his legal representative. Applicant may wish to employ the PTO/SB/01, PTO/SB/02 and PTO/SB/02LR.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**. The declaration executed by the legal representative does not meet the requirements of 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision or the time remaining under the Notification of Missing Requirements.

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

- 9 APR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Peter G. Carroll
MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, CA 94105

In re Application of :
MAYER *et al* :
U.S. Application No.: 12/449,955 :
PCT No.: PCT/NL2008/000071 :
Int. Filing Date: 05 March 2008 :
Priority Date: 05 March 2007 : **DECISION**
Docket No.: ARNOLDS-16322 :
For: METHOD AND SUSYTEM FOR :
PURIFYING A LIQUID COMPRISING :
CRYSTAL INHIBITOR RECOVERY :

This decision is in response to applicants' petition filed 17 February 2010 which is treated under 37 CFR 1.181. No fee is required.

Applicant's petition under 37 CFR 1.181 is **GRANTED** as follows:

The first applicant's name has been corrected to MAYER, Mateo Jozef Jacques as listed in the international publication ("WO 2008/108636"). No petition fee is required.

It is also noted that a declaration in compliance with 37 CFR 1.497(a) and (b) was submitted on 23 March 2010. A one-month extension fee has been charged to Deposit Account No. 08-1290 as authorized.

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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,019	09/08/2009	Ryuichi Katayama	08USFP1841-T.F.	6266

7590 05/18/2010

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
ART UNIT	PAPER NUMBER
2878	
MAIL DATE	DELIVERY MODE
05/18/2010	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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,081	09/10/2009	Gunther Eckert	WI.3008 PCT-US	5307

23294 7590 04/23/2010

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
04/23/2010	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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
ECKERT et at.
Application No.: 12/450,081
Filed: 10 September 2009
Attorney Docket No.: WI.3008 PCT-US
For: METHOD AND DEVICE FOR PRODUCING A PRODUCT SECTION IN A WEB PROCESSING MACHINE, AND PRODUCT SECTION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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) pilot program and the petition under 37 CFR 1.102(d), filed 23 March 2010, 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 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).

Conditions (1)-(2), and (4)-(7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), 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 28 of the instant application requires "at least a first one of a web and a partial web and at least a second one of a web and a partial web" where the EPO PCT application requires "a web (03) or a partial web." The instant claims are replete with limitations which do not correspond to the EPO PCT claims.

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 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 DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,081	09/10/2009	Gunther Eckert	WI.3008 PCT-US	5307

23294 7590 06/24/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/24/2010	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
ECKERT et at.
Application No.: 12/450,081
Filed: 10 September 2009
Attorney Docket No.: WI.3008 PCT-US
For: METHOD AND DEVICE FOR PRODUCING A PRODUCT SECTION IN A WEB PROCESSING MACHINE, AND PRODUCT SECTION

: DECISION ON REQUEST TO
: PARTICIPATE IN THE 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) pilot program and the petition under 37 CFR 1.102(d), filed 23 March 2010 and renewed 24 May 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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, KIPO, 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 VII;

(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;

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

(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).

The request to participate in the PCT-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 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

23 SEP 2009

Commissioner for Patents
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Brian R. Galvin
P.O. BOX 2360
SILVERDALE WA 98383-2360

In re Application of: GLASSER, Avery
U.S. Application No.: 12/450,134
PCT No.: PCT/US2007/063221
International Filing Date: 02 March 2007
Priority Date: 02 March 2006
Atty Docket No.: 5500
For: METHOD AND APPARATUS FOR IMPLEMENTING SECURE AND ADAPTIVE PROXIES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 10 September 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/063221 became abandoned with respect to the U.S. at midnight on 02 September 2008 based on applicant's failure to enter the U.S. national stage and to 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 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 application for purposes of the U.S. is therefore appropriate.

It is noted that applicant's 10 September 2009 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 10 September 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2009

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82318
Brian R. Galvin
P.O. Box
Silverdale, WA 98383-2360

In re Application of :
GLASSER, Avery M. :
U.S. Application No.: 12/450,135 :
PCT No.: PCT/US2007/075939 :
Int. Filing Date: 14 August 2007 :
Priority Date: 15 August 2006 :
Docket No.: 5501 :
For: ADAPTIVE TUNING OF BIOMETRIC ENGINES :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 10 September 2009 is hereby **GRANTED** as follows:

The appropriate 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 1.137(a) and (b) was provided. However, a $65.00 surcharge fee pursuant to 37 CFR 1.492(h) is also required for furnishing the declaration after thirty months from the priority date.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing 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) indicating that a $65.00 surcharge fee is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 6 NOV 2009

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

In re Application of AKO et al	:	
U.S. Application No.: 12/450,168	:	
PCT Application No.: PCT/JP2008/051008	:	DECISION
Int. Filing Date: 15 January 2008	:	
Priority Date Claimed: 15 January 2007	:	
Attorney Docket No.: TCP-021	:	
For: METHOD FOR PRODUCTION OF PULP	:	

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 14 September 2009.

BACKGROUND

On 15 January 2008, applicant filed international application PCT/JP2008/051008, which claimed priority of an earlier Japan application filed 15 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 24 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 15 July 2009.

On 16 July 2009, international application PCT/JP2008/051008 became abandoned as to the United States for failure to timely pay the basic national fee.

On 14 September 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,192	09/15/2009	Kenji Kamiya	142924	3690

25944 7590 07/01/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
07/01/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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CT

June 30, 2010

In re application of	:	DECISION ON REQUEST TO
Kenji Kamiya et al	:	PARTICIPATE IN PATENT
Serial No. 12/450,192	:	PROSECUTION HIGHWAY
Filed: September 15, 2009	:	PROGRAM AND
For: METHOD FOR MANUFACTURING	:	PETITION TO MAKE SPECIAL
IMAGE DISPLAY DEVICE	:	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 April 16, 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) Applicant must submit a claims correspondence table in English and all the independent 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

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

The request to participate in the PPH program and petition fail because:

(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.

While it appears that applicant has provided a copy of the claims from the PCT application that have novelty, inventive step, and industrial applicability, there is no statement that the English translation is accurate.

Furthermore, while a preliminary amendment was submitted in the present application on April 16, 2010, this preliminary amendment was labeled with the application number 11/207,870, rather than the present application number. Although the claims presented in this preliminary amendment appear to correspond to the present application, clarification is required.

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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." 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 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

15 DEC 2009

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25944
OLIFF & BERRIDGE, PLLC
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Alexandria, VA 22320-4850

In re Application of	:	
ABE *et al*	:	
Application No.: 12/450,205	:	
PCT No.: PCT/JP2008/052926	:	
Int. Filing Date: 21 February 2008	:	**DECISION**
Priority Date: 28 March 2007	:	
Attorney Docket No.: 141568	:	
For: MAGNETIC ENCODER	:	

This is a decision on the declaration filed with the national stage papers on 16 September 2009 which has been treated as a petition under 37 CFR 1.42.

BACKGROUND

On 16 September 2009, applicants filed papers to enter the national stage of PCT/JP2008/052926 which included an executed declaration.

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.

Applicants submitted a declaration signed by two of the three named inventors and the legal representative of a deceased co-inventor, Shinji Furuichi.

A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b). The declaration lists the citizenship of each inventor (including the deceased inventor) pursuant to 37 CFR 1.497(a)(3). The declaration also records the citizenship, residence and mailing address of the legal representative pursuant to 37 CFR 1.497(b)(2).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

25 SEP 2009

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Richard F. Jaworski
c/o Cooper & Dunham
30 Rockefeller Plaza
New York NY 10112

In re Application of :
JOHANSSON et al. :
Application No.: 12/450,222 : DECISION ON PETITION
PCT No.: PCT/IB2008/000295 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 February 2008 :
Priority Date: 12 February 2007 :
Attorney Docket No.: 1175/80887 :
For: PULL-OUT MECHANISM FOR A DRAWER :

The petition to revive under 37 CFR 1.137(b) filed 16 September 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

18 MAY 2010

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In Re Application of
TOYODA et al.
Application No.: 12/450,263
PCT No.: PCT/JP08/56996
Int. Filing Date: 09 April 2008
Priority Date: 09 April 2007
Attorney Docket No.: 142968
For: IMAGE DISPLAY DEVICE

DECISION ON

PETITION

This is a decision on applicant's "REQUEST FOR CORRECTION OF PALM RECORDS" filed in the United States Patent and Trademark Office (USPTO) on 25 January 2010.

BACKGROUND

On 09 April 2008, applicant filed international application No. PCT/JP08/56996 which claimed a priority date of 09 April 2007 and which designated the United States.

Thereafter, on 18 September 2009, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage, the basic national stage filing fee and an executed declaration, in compliance with 37 CFR 1.497(a) and (b).

On 14 January 2010, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed, indicating an incorrect 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009.

On 25 January 2010, applicant filed a Request for a Corrected Filing Receipt to correct the filing date to 18 September 2009.

DISCUSSION

Section MPEP 1893.03(b) states "An international application designating the U.S. has two stage (international and national) with the filing date being the same in both stages. Often the entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application." *See* 35 U.S.C. 363 and PCT Treaty Article 11(3) (which provides that an international filing date shall be considered the actual filing date in each designated State).

It is further stated in section 1893.03(b) that the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicates the date of receipt of the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements and it indicates the date of completion of all 35 U.S.C. 371 requirements. Filing receipts are mailed concurrently with the mailing of the Form PCT/DO/EO/903. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.

This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date.

A review of the application file reveals that on 18 September 2009, all of the 35 U.S.C. 371 requirements were complete. The 14 January 2010 Notification of Acceptance incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009, as the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. However, the USPTO record reveals that the executed declaration was submitted on 18 September 2009. The date of completion of all 35 U.S.C. 371 requirements was correctly stated as 18 September 2009.

The Notification of Acceptance mailed on 14 January 2010 incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009 and is VACATED. A new Notification of Acceptance will be issued correctly indicating a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 18 September 2009 and a date of completion of all 35 U.S.C. 371 requirements as 18 September 2010.

CONCLUSION

For the reasons set forth above, the Request for Correction of Palm Records is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 January 2010 is **VACATED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. A new Notification of Acceptance will be issued indicating a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 18 September 2009 and a date of completion of all 35 U.S.C. 371 requirements as 18 September 2009.

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

18 MAY 2010

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In Re Application of
TOYODA et al.
Application No.: 12/450,263
PCT No.: PCT/JP08/56996
Int. Filing Date: 09 April 2008
Priority Date: 09 April 2007
Attorney Docket No.: 142968
For: IMAGE DISPLAY DEVICE

DECISION ON

PETITION

This is a decision on applicant's "REQUEST FOR CORRECTION OF PALM RECORDS" filed in the United States Patent and Trademark Office (USPTO) on 25 January 2010.

BACKGROUND

On 09 April 2008, applicant filed international application No. PCT/JP08/56996 which claimed a priority date of 09 April 2007 and which designated the United States.

Thereafter, on 18 September 2009, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage, the basic national stage filing fee and an executed declaration, in compliance with 37 CFR 1.497(a) and (b).

On 14 January 2010, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed, indicating an incorrect 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009.

On 25 January 2010, applicant filed a Request for a Corrected Filing Receipt to correct the filing date to 18 September 2009.

DISCUSSION

Section MPEP 1893.03(b) states "An international application designating the U.S. has two stage (international and national) with the filing date being the same in both stages. Often the entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application." *See* 35 U.S.C. 363 and PCT Treaty Article 11(3) (which provides that an international filing date shall be considered the actual filing date in each designated State).

It is further stated in section 1893.03(b) that the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicates the date of receipt of the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements and it indicates the date of completion of all 35 U.S.C. 371 requirements. Filing receipts are mailed concurrently with the mailing of the Form PCT/DO/EO/903. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.

This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date.

A review of the application file reveals that on 18 September 2009, all of the 35 U.S.C. 371 requirements were complete. The 14 January 2010 Notification of Acceptance incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009, as the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. However, the USPTO record reveals that the executed declaration was submitted on 18 September 2009. The date of completion of all 35 U.S.C. 371 requirements was correctly stated as 18 September 2009.

The Notification of Acceptance mailed on 14 January 2010 incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 September 2009 and is VACATED. A new Notification of Acceptance will be issued correctly indicating a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 18 September 2009 and a date of completion of all 35 U.S.C. 371 requirements as 18 September 2010.

CONCLUSION

For the reasons set forth above, the Request for Correction of Palm Records is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 January 2010 is **VACATED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. A new Notification of Acceptance will be issued indicating a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 18 September 2009 and a date of completion of all 35 U.S.C. 371 requirements as 18 September 2009.

/Cynthia M. Kratz/
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14 OCT 2009

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Jack Jmaev
14175 Telephone Ave. Ste. L
Chino, CA 91710

In re Application of :
STOYANOV et al. :
Application No.: 12/450,292 : DECISION ON PETITION
PCT No.: PCT/US2007/008645 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 April 2007 :
Priority Date: 07 April 2006 :
Attorney Docket No.: LMC-003-PCT :
For: ONE-PIECE WHEEL PRODUCED BY :
CASTING A WHEEL HUB AND
SPIN-FORMING RIMS

The petition to revive under 37 CFR 1.137(b) filed 19 September 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,325	09/22/2009	Tomoyuki Toyoda	143006	7829

25944 7590 05/04/2010

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EXAMINER	
ART UNIT	PAPER NUMBER
1792	

NOTIFICATION DATE	DELIVERY MODE
05/04/2010	ELECTRONIC

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

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jarmstrong@oliff.com

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BC

May 3, 2010

In re application of	:	DECISION ON REQUEST TO
Tomoyuki Toyoda et al.	:	PARTICIPATE IN PATENT
Serial No. 12/450,325	:	PROSECUTION HIGHWAY
Filed: September 22, 2009	:	PROGRAM AND
For: METHOD FOR PRODUCING IMAGE DISPLAY APPARATUS	:	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 April 05, 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) Applicant must submit a claims correspondence table in English and all the independent 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

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

Conditions (1-2) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (3) and (4). Regarding the requirement of condition (3), the amendment filed on 05 February 2009 in PCT/JP2008/057070 is not of record in the present application file. This is evidenced by the fact that claims 2 and 4 are present in the current pending claims, but were cancelled in the amendment submitted to the IPEA. Regarding the requirement of condition (4), this condition has not be fully considered due to condition (3) not being met. However, it is noted that the claims correspondence table is incomplete since it does not include correspondence for current pending claims 2 and 4.

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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." 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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16 MAR 2010

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GUERRY LEONARD GRUNE
784 S VILLIER CT.
VIRGINIA BEACH VA 23452

In re Application of	:	DECISION ON
BRADIN et al	:	
Application No.: 12/450,361	:	
PCT No.: PCT/US2008/003759	:	PETITION UNDER
Int. Filing Date: 21 March 2008	:	
Priority Date: 22 March 2007	:	37 CFR 1.137(b)
Attorney's Docket No.: DB-009PCT	:	
For: BIODIESEL PROCESS	:	

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 23 December 2009.

BACKGROUND

On 21 March 2008, this international application was filed, claiming an earliest priority date of 22 March 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.494 was 22 September 2009.

On 22 September 2009, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, an executed declaration. However, no basic national fee was filed at such time.

On 14 December 2009, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 23 December 2009, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national 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 not provided: (1) the proper reply by submitting the basic national 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 all the items 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 **23 December 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

24 NOV 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK, NY 10017

In re Application of DARENDELILER	:	
U.S. Application No.: 12/450,458	:	
PCT Application No.: PCT/AU2008/000294	:	
Int. Filing Date: 05 March 2008	:	
Priority Date Claimed: 07 March 2007	:	DECISION
Attorney Docket No.: 210,557	:	
For: APPARATUS AND METHODS FOR CORRECTION OF ORTHODONTIC MALOCCLUSIONS	:	

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 23 September 2009.

BACKGROUND

On 05 March 2008, applicant filed international application PCT/AU2008/000294, which claimed priority of an earlier Austria application filed 07 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 12 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 September 2009.

On 09 September 2009, international application PCT/AU2008/000294 beçame abandoned as to the United States for failure to timely pay the basic national fee.

On 23 September 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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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
West et al.	:	
Application No. 12/540,524	:	ON PETITION
Filed: September 29, 2009	:	
Attorney Docket No. P73181US0	:	

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**.

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). 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.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office

to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner has not provided an itemization of the total deficiency payment of $1,254.00 and therefore petitioner's deposit account has been charged the $130.00 processing fee as set forth in 37 CFR 1.17(i).

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 the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
West et al. :
Application No. 12/450,524 : ON PETITION
Filed: September 29, 2009 :
Attorney Docket No. P73181US0 :

This is a communication regarding your response filed April 29, 2010 to the Decision mailed April 21, 2010 concerning 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.

This application was granted large entity status on April 21, 2010. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Petitioner contends that "On February 23, 2010, after it came to counsel's attention that prior to filing of this application the assignee had a license arrangement with a large entity, counsel requested change of status from small entity to large entity and paid an additional $1,254.00. This is the difference between large and small entity as clearly identified in the attached transmittal letter."

However, an itemization of the total deficiency payment is required by 37 CFR 1.28(c)(2)(ii). 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.

If the requirements of 37 CFR 1.28(c)(2) are not complied with (i.e. not itemizing the total deficiency ,etc.), such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(i), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

Petitioner did not submit with the petition filed February 23, 2010 the above itemization requirements. Therefore, since petitioner did not provide an itemization of the total deficiency payment of $1,254.00, petitioner's deposit account was charged the $130.00 processing fee as set forth in 37 CFR 1.17(i).

Further, this response reflects the correct application number 12/450,524 as requested.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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20 NOV 2009

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of GRANT et al.	:	DECISION ON
Application No.: 12/450,573	:	
PCT No.: PCT/EP08/52953	:	PETITION UNDER
Int. Filing: 12 March 2008	:	
Priority Date: 14 March 2007	:	37 CFR 1.137(b)
Attorney Docket No: 10400-000463/US	:	
For: DENTAL ABUTMENT INCLUDING FILLET	:	

The petition to revive under 37 CFR 1.137(b) filed 01 October 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 has 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), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,677		Hirotaka Yasuda	K06-268608/AIO	2537

EXAMINER

ART UNIT	PAPER NUMBER
3656	

MAIL DATE	DELIVERY MODE
01/08/2010	PAPER

7590 01/08/2010

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

20 NOV 2009

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re Application of :
KATO, et al. :
Application No.: 12/450,977 :
PCT No.: PCT/US2007/024593 : DECISION ON PETITION
Int. Filing Date: 29 November 2007 :
Priority Date: 17 April 2007 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: PA0002686U-U72.12-62KL :
For: SERVICE CONTROLLER FOR DETERMINING :
CROWDING IN AN ELEVATOR CAR :

The renewed petition to revive under 37 CFR 1.137(b) filed 20 October 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 29 November 2007 under 35 U.S.C. 363 and will be given a date of **20 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 treatment in accordance with this decision.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/450,997	01/05/2010	Manabu Hoshino	14696/3	3813

26646 7590 07/21/2010

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
07/21/2010	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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July 21, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Manabu Hoshino et al.	:	PARTICIPATE IN PATENT
Serial No. 12/450,997	:	PROSECUTION HIGHWAY
Filed: October 20, 2009	:	PROGRAM AND
For: METHOD OF MANUFACTURING HIGH	:	PETITION TO MAKE SPECIAL
TENSILE STRENGTH THICK STEEL PLATE	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 25, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,037	10/22/2009	Tsuyoshi Higo	52433/1032	5597

26646 7590 06/04/2010

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
06/04/2010	PAPER

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

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Kenyon & Kenyon LLP
One Broadway
New York, NY 1004

In re Application of: HIGO T.
Application No. 12/451,037
Filed: October 22, 2009
For: Learning method of rolling load prediction for hot rolling.

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 May 05, 2010 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 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 petition is **GRANTED.**

The request to participate in the PPH pilot 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 Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,046		Sachiko Kojima	2009_1691A	6505

513 7590 02/18/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
02/18/2010	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	:	
Sachiko KOJIMA	:	**DECISION ON REQUEST TO**
Application No. 12/451,046	:	**PARTICIPATE IN PATENT**
Filed: 23 October 2009	:	**PROSECUTION HIGHWAY**
Attorney Docket No. 2009_1691A	:	**PROGRAM AND PETITION**
For: METHOD FOR MEASURING COCENTRALTION OF PEROXYCABOXYLIC ACID AND APPARATUS THEREFOR	:	**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 07 January 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, 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 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 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 is completed.

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.
12/451,049	10/23/2009	Jin Sam Kwak	8737.261.00	2739

30827 7590 06/08/2010

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
FEILD, LYNN DIANA	
ART UNIT	**PAPER NUMBER**
2400	

MAIL DATE	DELIVERY MODE
06/08/2010	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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JUN 08 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: KWAK, JIN SAM et al.
Application No. 12451049
Filed: October 23, 2009
For: METHOD OF TRANSMITTING CONTROL SIGNALS IN WIRELESS COMMUNICATION SYSTEM.

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 PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 7, 2010 to make the above-identified application special.

The request and petition are DENIED.

Applicants rely on positive PCT work product where ISA/IPEA is KIPO. The U.S. P.T.O. does not have a PCT-PPH pilot program with the KIPO. The request to participate in the PCT-PPH pilot program and petition are therefore denied.

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.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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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.
12/451,049	10/23/2009	Jin Sam Kwak	8737.261.00	2739

30827 7590 06/24/2010

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
FEILD, LYNN DIANA	

ART UNIT	PAPER NUMBER
2400	

MAIL DATE	DELIVERY MODE
06/24/2010	PAPER

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

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JUN 23 2010

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: KWAK, JIN SAM et al.
Application No. 12451049
Filed: October 23, 2009
For: METHOD OF TRANSMITTING CONTROL SIGNALS IN WIRELESS COMMUNICATION SYSTEM.

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 revised decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed May 7, 2010 and supplemented June 14, 2010 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).

An incorrect petition decision was mailed June 8, 2010 denying the petition/request because the petition/request was mistaken for a PCT-PPH petition/request. The June 8, 2010 petition decision is vacated.
The request to participate in the PPH program and petition are 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/

_____

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

MAILED

JUL 13 2010

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TECHNOLOGY CENTER 2400

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1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: KWAK, JIN SAM et al.
Application No. 12451049
Filed: October 23, 2009
For: METHOD OF TRANSMITTING CONTROL SIGNALS IN WIRELESS COMMUNICATION SYSTEM

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 June 14, 2010, 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 request to participate in the PPH program and petition are 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/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,049	10/23/2009	Jin Sam Kwak	8737.261.00	2739

30827 7590 07/13/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
YAO, KWANG BIN	
ART UNIT	PAPER NUMBER
2473	
MAIL DATE	DELIVERY MODE
07/13/2010	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
KWON, YEONG HYEON, et al.
Application No. 12/451,124
Filed: October 27, 2009
Attorney Docket No.: **8737.184.00**

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 January 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 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

- 6 NOV 2009

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CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN
5 BECKER FARM ROAD
ROSELAND NJ 07068

In re Application of:	:	
LARSEN, Asbjorn, Ingemar	:	DECISION ON PETITION
U.S. Application No.: 12/451,234	:	
PCT No.: PCT/NO2008/000118	:	
International Filing Date: 28 March 2008	:	
Priority Date: 30 March 2007	:	
Atty Docket No.: 53550.94	:	
For: METHOD AND DEVICE FOR HANDLING OF FISH	:	

The petition for revival under 37 CFR 1.137(b) filed 30 October 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/NO2008/000118 became abandoned with respect to the U.S. at midnight on 30 September 2009 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 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 application for purposes of the U.S. is therefore appropriate.

It is noted that applicant's 30 October 2009 submission included an executed declaration in compliance with 37 CFR 1.497(d).

Deposit Account No. 03-0678 will be charged the $65 small entity surcharge for filing 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 30 October 2009.

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

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25 NOV 2009

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JAMES WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN, VA 22101

In re Application of	
NIELSEN, Anders Kristian Kryger	
Application No.: 12/451,266	
PCT No.: PCT/DK2007/000381	
Int. Filing Date: 21 August 2007	PETITION
Priority Date: 21 August 2006	
Atty Docket No.: PATRADE	
For: MEDICAL SURGERY ROOM WITH COLOURED LIGHTING	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 03 November 2009.

BACKGROUND

Applicants filed the international application PCT/DK2007/000381 on 21 August 2007. The international application became abandoned at midnight on 28 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 03 November 2009, applicants filed present application, inter alia, the specification, the claims, the drawings and the present petition under 37 CFR 137(b) to revive the application. The basic 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

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), applicant has provided the required reply.

Regarding item (2), the $810 petition fee will be charged to applicants' Deposit Account 02-3704 as authorized.

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 in accordance with this decision. The 35 USC 371 (c)(1), (c)(2) and (c)(4) date is 03 November 2009.

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

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,504	11/16/2009	Seung Hee Han	8737.260.00	6674

30827 7590 05/20/2010

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
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EXAMINER	
ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
05/20/2010	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.

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: HAN, SEUNG HEE et al
Application No. 12451504
Filed: November 16, 2009
For: METHOD OF TRANSMITTING SYNCHRONIZATION SIGNAL IN WIRELESS COMMUNICATION SYSTEM

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 May 11, 2010, [redacted], 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 request to participate in the PPH program and petition are 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/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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Alexandria, VA 22313-1450
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MAR 31 2010

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Michel Wendling Application No. 12/451,532 Filed: November 17, 2009 For: HYDRODYNAMIC BEARING WITH ASYMMETRICAL LOBES	:	**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 25, 2010, 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 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).

The petition and request fails to satisfy requirement (2) above. The petition includes a statement that that "the following is a true and correct translation of: HYDRODYNAMIC BEARING WITH ASYMMETRICAL LOBES". However, the PPH program requires that applicant submit a statement that the English translation of the claims is accurate and a statement that the English translation of the international work product from the PCT application is accurate.

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 inquires concerning this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

3/30/10

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MAY 04 2010

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

In re application of Michel Wendling Application No. 12/451,532 Filed: November 17, 2009 For: HYDRODYNAMIC BEARING WITH ASYMMETRICAL LOBES	:	**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) pilot 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 (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 (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).

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

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 Teri P. Luu, Quality Assurance Specialist, 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.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

4/29/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,614	03/12/2010	Gang Chen	090017-0107	2743

22428 7590 05/21/2010
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
05/21/2010	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

MAY 21 2010

In re Application of	:	
Chen et al.	:	DECISION ON PETITION
Application No. 12/451,614	:	TO MAKE SPECIAL UNDER
Filed: 3/12/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **090017-0107**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/14/2009, 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.

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 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

United States Patent and Trademark Office

07 JUL 2010

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OLIFF & BERRIDGE, PLC
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ALEXANDRIA VA 22320-4850

In re Application of
Matsuzawa et al.
Application No.: 12/451,646
PCT No.: PCT/JP2008/059672
Int. Filing Date: 26 May 2008
Priority Date: 25 May 2007
Attorney Docket No.: 143657
For: Medicated Patch Comprising 5-Methyl-1-Phenyl-2-(1H)-Pyridone

DECISION

This is in response to the "Request For Correction of PALM Records" filed on 16 February 2010.

BACKGROUND

This international application was filed on 26 May 2008, claimed an earliest priority date of 25 May 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 04 December 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 25 November 2009. Applicants filed *inter alia* the basic national fee on 23 November 2009.

On 03 February 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) referring to "PCT/JP2008/005672" were mailed.

DISCUSSION

Applicants have provided a "photocopy of the original filing receipt on which errors have been corrected in red." Inspection thereof reveals that said Filing Receipt does not correctly reflect the international application number identified on the Transmittal Letter filed on 23 November 2009. Review of the record reveals that the same error occurs on the Notice of Acceptance mailed on 03 February 2010. In view of this error, the Notice of Acceptance and Filing Receipt mailed on 03 February 2010 both are **VACATED**.

It is noted that the electronic (PALM) records of the USPTO currently reflect the correct national stage parentage information, and that a new Filing Receipt and a new Notice of Acceptance were mailed on 27 May 2010.

DECISION

The request is **GRANTED**, to the extent described above.

This application is being returned to Technology Center 1615.

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

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28 JAN 2010

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA OK 74119

In re Application of	:	DECISION ON
Duffy et al	:	
Application No.: 12/451,691	:	
PCT No.: PCT/GB2007/004563	:	
Int. Filing Date: 28 November 2007	:	PETITION UNDER
Priority Date: 28 November 2006	:	
Attorney's Docket No.: BAI525-1005/009376	:	
For: ORGANIZATION ASSESSMENT... & METHOD	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 24 November 2009.

BACKGROUND

On 28 November 2007, this international application was filed, claiming an earliest priority date of 28 November 2006. A copy of the intentional application was transmitted on 05 June 2008 to the USPTO from the International Bureau.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 May 2009. This international application became abandoned with respect to the United States at midnight on 28 May 2009 for failure to pay the required basic national fee.

On 24 November 2009, applicants filed the instant petition under 37 CFR 1.137(b) and Transmittal letter for entry into the national stage in the United States, which was accompanied by the petition fee, basic national fee, and 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 under 35 U.S.C. 371. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **24 November 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-6459

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16 DEC 2009

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John Alfred AYRES
186 Briarwood Drive
Lapeer, Michigan 48446

In re Application of:
AYRES, John
U.S. Application No.: 12/451,694
PCT No.: PCT/US2008/058966
International Filing Date: 01 April 2008
Priority Date: 02 April 2007
Atty Docket No.: None
For: MOMENTARY NIGHT LIGHT ASSEMBLY

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 27 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2008/058966 became abandoned with respect to the U.S. at midnight on 02 October 2009 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. Revival of the international application for purposes of the U.S. is therefore appropriate.

It is noted that the petition was accompanied by an executed declaration in compliance with 37 CFR 1.497.

It is also noted that the petition was accompanied by a set of claims identified as "Amended Claims." However, the submission did not include a preliminary amendment in compliance with 37 CFR 1.121(c), as required to amend the claims of record. Accordingly, the claims of record remain the claims of record in the international application.

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 27 November 2009.

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

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18 MAR 2010

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MICHAEL WINFIELD GOLTRY
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

In re Application of:
Duarte Pena
Application No.: 12/451,854
PCT No.: PCT/MX2007/000051
Int. Filing Date: 13 April, 2007
Attorney Docket No.: 4922-A2PCUS
For: MAGNETIC WIRE WITH CORONA-RESISTANT COATING

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the applicants' petition to revive under 37 CFR 1.137 (b) filed on 03 December 2009.

BACKGROUND

On 13 April 2007, applicants filed international application PCT/MX2007/000051. No priority date was claimed. The deadline for entry into the United States National Stage was thirty months from the international filing date, which is 13 October 2009.

On 03 December 2009, applicants filed a national stage application under 35 U.S.C. 371 of PCT/MX2007/000051, which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) 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 prior to June 8, 1995).

Here, the proper reply was the filing of the subject petition to revive along with a national stage application and fee. The petition fee of $1620.00 was provided. The statement required by 37 CFR 1.137(b)(3) was provided. A terminal disclaimer is not required.

All requirements of 37 CFR1.137 (b) are satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED**.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided with the national stage papers.

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

Boris Milef
PCT Legal Examiner
PCT Legal Administration

Layla Lauchman
Detailee
Telephone: (571) 272-2412

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12 FEB 2010

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47888
HEDMAN & COSTIGAN PC
1185 Avenue of the Americas
New York, NY 10036

In re Application of :
NARCISCO, Paolo :
U.S. Application No.: 12/451,875 :
PCT No.: PCT/IT2007/000346 : **DECISION ON**
Int. Filing Date: 14 May 2007 : **PETITION UNDER**
Priority Date: None : **37 CFR 1.137(b)**
Docket No.: 1333-041 :
For: NASAL CAVITY FILTER :

Applicant's petition to revive under 37 CFR 1.137(b) filed on 02 December 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.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,932	02/25/2010	Rika Tanaka	2691-000089/US	8732

30593 7590 05/05/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
ART UNIT	PAPER NUMBER
1713	

MAIL DATE	DELIVERY MODE
05/05/2010	PAPER

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CST

May 5, 2010

In re application of	:	DECISION ON REQUEST TO
Rika Tanaka et al	:	PARTICIPATE IN PATENT
Serial No. 12/451,932	:	PROSECUTION HIGHWAY
Filed: December 8, 2009	:	PROGRAM AND
For: POLISHING COMPOSITION	:	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 10, 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 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,975	12/10/2009	Hiroki Ohtani	143271	3361

25944 7590 05/17/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
05/17/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
OHTANI et al.
Application No.: 12/451,975
Filed: 10 December 2009
Attorney Docket No.: 143271
For: AC MOTOR DRIVE CONTROLLER

: 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 26 April 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, a statement that the English translation is accurate, if the claims are not in the English language and identify and explain why the claim(s) is/are not subject to any observation described in Box VIII;

(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), (2), and (4-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed file a statement that the English translation of the claims from the PCT applications is accurate .

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,975	12/10/2009	Hiroki Ohtani	143271	3361

25944 7590 07/01/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
2837	

NOTIFICATION DATE	DELIVERY MODE
07/01/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of
OHTANI et al.
Application No.: 12/451,975
Filed: 10 December 2009
Attorney Docket No.: 143271
For: AC MOTOR DRIVE CONTROLLER

: 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 26 April 2010 and renewed on 16 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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, KIPO, 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 VII;

(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;

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(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).

The request to participate in the PCT-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 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.
12/451,980	12/10/2009	Burkard Otto Herbert	W1.2920 PCT-US	5171

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
Burkard Otto HERBERT
Application No.: 12/451,980
Filed: 10 December 2009
Attorney Docket No.: W1.2920 PCT-US
For: CROP MARK CONTROLLER IN A FUNNEL ASSEMBLY AND METHOD FOR CONTROLLING CROP MARKS

: 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 26 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 18 of the instant application recites "a roller pair located after an output of said former assembly" and "at least one of ribbons and printed ribbons" whereas claim 1 of the EPO PCT application recites "a roller pair at an output of the former assembly" and "ribbons and/or partial ribbons." These limitations are not commensurate in scope.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/451,980	12/10/2009	Burkard Otto Herbert	W1.2920 PCT-US	5171

23294 7590 06/24/2010

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
06/24/2010	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
Burkard Otto HERBERT
Application No.: 12/451,980
Filed: 10 December 2009
Attorney Docket No.: W1.2920 PCT-US
For: CROP MARK CONTROLLER IN A FUNNEL ASSEMBLY AND METHOD FOR CONTROLLING CROP MARKS

: 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 26 February 2010 and renewed on 10 May 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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, KIPO, 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 VII;

(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;

(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 containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

(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).

The request to participate in the PCT-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 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

02 FEB 2010

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Collard & Roe, P.C.
1077 Northern Boulevard
Roslyn, NY 11576

In re Application of :
SAMSON et al. :
Application No.: 12/452,092 : DECISION ON PETITION
PCT No.: PCT/DE2008/000289 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 19 February 2008 :
Priority Date: 22 February 2007 :
Attorney Docket No.: SAMSON ET AL - 1PCT :
For: APPARATUS COMRISING A COLLING :
DEVICE FOR AT LEAST ONE
BAG-IN-BOX PACKAGE

The petition to revive under 37 CFR 1.137(b) filed 15 December 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

UNITED STATES PATENT AND TRADEMARK OFFICE

19 FEB 2010

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Horst M. Kasper
13 Forest Drive
Warren, NJ 07059

In re Application of :
LASKOWSKI, Sigismund :
U.S. Application No.: 12/452,455 :
PCT No.: PCT/EP2008/003412 :
Int. Filing Date: 28 April 2008 :
Priority Date: 30 April 2007 :
Docket No.: MSA280 :
For: CONTAINER, SUCH AS A TUBE OR THE LIKE, THE FILING AND CLOSING PROCESS THEREOF, AND THE DISPENSING . . . :

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 30 December 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) & (b) was provided.

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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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,666	01/14/2010	Bastiaan Krins	144072	9036

25944 7590 06/10/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
3765	

NOTIFICATION DATE	DELIVERY MODE
06/10/2010	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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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CT

June 9, 2010

In re application of	:	DECISION ON REQUEST TO
Bastiaan Krins et al	:	PARTICIPATE IN PATENT
Serial No. 12/452,666	:	PROSECUTION HIGHWAY
Filed: January 14, 2010	:	PROGRAM AND
For: SPINNING METHOD	:	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 March 23, 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) Applicant must submit a claims correspondence table in English and all the independent 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

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

The request to participate in the PPH program and petition fail because:

4) All of the independent 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).

Claims 1-18 of the present application and of the corresponding PCT are each drawn to method for spinning a multifilament yarn. Note that while present claim 19 depends from claim 1, claim 19 is drawn to a polyester multifilament yarn and not to a method for spinning a multifilament yarn as set forth in independent claim 1.

On page 9 of the OG Notice of January 28, 2010, a clarification of the term "claim correspondence" is given. Specifically, on page 9, section (3)(b), it is stated that claims are considered to "sufficiently correspond" where "the claims in the US application are of the same or similar scope of the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application".

Here, as corresponding claims 19 -29 of the PCT application have not been indicated as having novelty, inventive step and industrial applicability; as present claims 1-19 do not appear to be of the same or similar scope as claims 1-18 of the PCT application which were indicated as having novelty, inventive step and industrial applicability; and as claims 19-29 are not narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability, present claims 19-29 do not appear to sufficiently correspond to claims 1-18 of 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) and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy." 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 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/452,666	01/14/2010	Bastiaan Krins	144072	9036

25944 7590 07/21/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
ART UNIT	PAPER NUMBER
3765	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.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

CT

July 20, 2010

In re application of Bastiaan Krins et al Serial No. 12/452,666 Filed: January 14, 2010 For: SPINNING METHOD	: : : : : :	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 PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 1, 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) Applicant must submit a claims correspondence table in English and all the independent 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

(8) 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

2 3 FEB 2010

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
CHOSSADE	:	
Application No.: 12/452,759	:	DECISION ON
PCT No.: PCT/FR2008/051071	:	
Int. Filing Date: 16 June 2008	:	PETITION UNDER
Priority Date: 18 June 2007	:	
Attorney Docket No.: 144089	:	37 CFR 1.137(b)
For: DIETARY SUPPLEMENT	:	

This decision is in response to applicant's submission filed 21 January 2010.

BACKGROUND

On 16 June 2008, applicant filed international application PCT/FR2008/051071 which designated the U.S. and claimed a priority date of 18 June 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 08 January 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 December 2009.

On 21 January 2010, 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 21 January 2010.

As to item (2), applicant submitted the petition fee on 21 January 2010.

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 21 January 2010 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

UNITED STATES PATENT AND TRADEMARK OFFICE

26 FEB 2010

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Alexandria, VA 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of	:	
AL-DAWOOD, et al.	:	
Application No.: 12/452,997	:	
PCT No.: PCT/US2006/007446	:	DECISION ON PETITION
Int. Filing Date: 28 February 2006	:	
Priority Date: 01 March 2005	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 209,046	:	
For: METHOD FOR ON BOARD	:	
DECARBONIZATION OF HYDROCARBON	:	
FUELS IN A VEHICLE	:	

The petition to revive under 37 CFR 1.137(b) filed 28 January 2010 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 accompanying exhibits satisfies the requirement of 37 CFR 1.137(b)(3) in that it is clear that the delay in entering the U.S. National stage was the result of a breakdown in communication and not an intentional instruction not to proceed in the United States.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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James Vannucci
5212 Forest View Drive
McDonald, PA 15057

MAILED

MAR 15 2010

OFFICE OF PETITIONS

In re Application of :
James Vannucci :
Application No. 12/453,092 : DECISION ON PETITION
Filed: April 29, 2009 : TO MAKE SPECIAL
Attorney Docket No. : 37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102 filed February 4, 2010, the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 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 62285 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

b) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Kenya A. McLaughlin, Petitions Attorney at 571-272-3222.

All other inquires 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 2193 for action on the merits commensurate with this decision.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

JUL 15 2009

OFFICE OF PETITIONS

In re Application of :
Bae et al. : DECISION ON PETITION
Application No. 12/453,109 :
Filed: April 29, 2009 :
Attorney Docket No. 6668-000015/US/COA :

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.10(d)", filed June 22, 2009, which is properly treated as a petition under 37 CFR 1.182. Applicants request that the above-identified application be accorded a filing date of April 29, 2009, rather than the current filing date of June 5, 2009.

On April 29, 2009, applicants filed the above-identified application. On May 21, 2009, the Office mailed a Notice of Omitted Items in a Nonprovisional Application (Notice of Omitted Items), stating that the application was accorded a filing date of April 29, 2009; however, it appeared that Figures 7 and 8 were omitted. The Notice of Omitted Items set a two month extendable period from the date of the Notice to respond.

On June 5, 2009, applicants filed a "PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.57(a) RESPONDING TO THE NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION" and two sheets of drawing (including Figures 7 and 8). In the Remarks section of the Amendment, Applicants state:

> [A]t the time of filing, the above cited application claimed priority under 35 U.S.C. § 120 to U.S. Pat. Application No. 11/802,886 filed May 25, 2007 ("the earlier application"). The earlier application issued as U.S. Patent No. 7,541,947 on June 2, 2009. Nevertheless, the above cited application was filed on April 29, 2009, well before the date of patenting of the earlier application and while the earlier application was co-pending. Therefore, Applicants submit that the above cited application properly claimed benefit of the earlier filing date per 37 C.F.R. § 1.78.
>
> Applicants further submit that Figures 7 and 8 were inadvertently omitted from the application. Nevertheless, Applicants note that at the time of filing, the specification of the above cited application contained specific reference to the then co-pending earlier filed

> application and properly incorporated by reference the entire contents therein. The contents of the earlier application included Figures 7 and 8. Thus, Figures 7 and 8 were completely contained in the earlier application. Therefore, per 37 C.F.R. § 1.57(a), Applicants presently submit 2 sheets of drawings including the inadvertently omitted Figures 7 and 8.
>
> Finally, pursuant to 37 C.F.R. § 1.78 and MPEP § 601.01(g), Applicants further submit that the present preliminary amendment under 37 C.F.R. § 1.57(a) properly responds to the Notice of Omitted Items and that the above cited application is entitled to maintain the filing date as of the date of deposit of the original application papers in the USPTO.

Amendment, 06/05/09, p 2.

Thereafter, the Office of Patent Application Processing accorded the application a filing date of June 5, 2009, the date applicants submitted the omitted figures. A corrected filing receipt indicating the change in the filing date was mailed on June 17, 2009. On June 22, 2009, applicants submitted the present petition (and fee), requesting that the Office correct the filing date to April 29, 2009, as they satisfied all the requirements set forth in 37 CFR 1.57(a) and MPEP 601.01(g)(C)(2).

Pursuant to MPEP 601.01(g)(C), the mailing of a Notice of Omitted Item permits an applicant to accept the application as deposited in the USPTO by:

> (2) filing an amendment under 37 CFR 1.57(a). If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawings was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawings pursuant to 37 CFR 1.57(a). Such amendment should be by way of a preliminary amendment and the preliminary amendment must be submitted within 2 months from the date of the "Notice of Omitted Item(s)." The amendment should be identified as an amendment pursuant to 37 CFR 1.57(a) and must comply with the requirements of 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. The application will maintain the filing date as of the date of deposit of the original application papers in the USPTO. The original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the original date of deposit. The 2-month period is not extendable under 37 CFR 1.136.

In this instance, the application was filed after September 21, 2004, and contained a claim under 37 CFR 1.78 for the benefit of prior-filed nonprovisional Application No. 11/802,886 that was present on filing the application. Within two months of the date of the Notice of Omitted Items, applicants submitted two sheets of drawings and a preliminary amendment under 37 CFR 1.57(a) to include the inadvertently omitted Figures 7 and 8. Further, applicants indicated that Figures 7 and 8 were inadvertently omitted from the application and are completely contained in the prior-filed application.

It is apparent that applicants did not intend to accept the date they submitted the omitted figures in the USPTO as the filing date of the above-identified application. Furthermore, applicants satisfied all the requirements set forth in 37 CFR 1.57(a) and MPEP 601.01(g)(C)(2) by timely submitting an amendment under 37 CFR 1.57(a) to include the omitted figures. Accordingly, the petition is **GRANTED** to the extent that the application will be accorded the filing date of April 29, 2009, **without** Figures 7 and 8 as part of the original disclosure. The $130.00 fee is unnecessary and will be refunded in due course.

The examiner will review the preliminary amendment filed June 5, 2009, requesting entry of the omitted figures, and make a determination as to new matter.

This matter is being referred to the Office of Patent Application Processing to accord the application a filing date of **April 29, 2009**, using only the figures submitted on that date, and to mail a corrected filing receipt. Figures 7 and 8 will not be entered at this time.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,188	05/01/2009	Toru Furuya	KAK-0035	3943

23353 7590 10/07/2009
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
10/07/2009	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

In re Application of: FURUYA
Application No. 12/453,188
Filed: May 01, 2009
Atty. Docket No.: KAK-0035
For: TRANSACTION PROCESSING SYSTEM OF DATABASE USING MULTI-OPERATION PROCESSING PROVIDING CONCURRENCY CONTROL OF TRANSACTIONS

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 September 11, 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 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 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 Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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.
12/453,271	05/05/2009	Hidenori Abe	2009_0583	9595

7590 05/28/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

[illegible] 05/28/2010 [illegible]
[illegible] Name/Number:12453271
[illegible]

Adjustment date: 05/28/2010 NFARMER
05/06/2009 [illegible] 00000030 12453271
03 FC:1111 -540.00 CP

FORM PET651G (Rev. 08/07)

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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.
12/453,339	05/07/2009	Yoshitaka Nishigata	NEC08245US	6972

7590 01/09/2010
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER
DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
2816	

MAIL DATE	DELIVERY MODE
01/09/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 01/11/2010 NFARMER
[illegible]/2009 [illegible]
[illegible] FC:1111 -540.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,393	05/08/2009	Junichi Nagaoka	1419.1143	7933

7590 11/12/2009

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
3611	
MAIL DATE	DELIVERY MODE
11/12/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 11/12/2009 KKING1
05/11/2009 JADD01 00000004 12453393
02 FC:1111 -540.00 OP

Repln. Ref: 11/12/2009 KKING1 0016074500
DA#:193935 Name/Number:12453393
FC: 9204 $540.00 CR

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MICHAEL TOBIAS
SUITE 300
1629 K STREET, NW
WASHINGTON, DC 20006

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JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward TYGARD	:	
Application No. 12/453,440	:	DECISION ON PETITION
Filed: May 11, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1134	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 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 signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

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

Diane Goodwyn
Petitions Examiner
Office of Petitions

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MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON DC 20006

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AUG 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Edward Tygard :
Application No. 12/453,441 : DECISION ON PETITION
Filed: May 11, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1135 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 2, 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) 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 the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 Office Patent Application Processing for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,466	05/12/2009	Sang-Hun JANG	301/138	5235

7590 07/23/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER
COUGHLIN, ANDREW J

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
07/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 07/23/2010 [illegible]
05/13/2009 [illegible] 12453466
[illegible] -540.00 [illegible]

FORM PET651G (Rev. 08/07)

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.
12/453,525	05/14/2009	Hidekazu Tanaka	PRI-0004	8117

23353 7590 06/21/2010

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
PETTITT, JOHN F	

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
06/21/2010	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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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of	:	
TANAKA, HIDEKAZU	:	DECISION ON REQUEST TO
Application No. 12/453,525	:	PARTICIPATE IN PATENT
Filed: May 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. PRI-0004	:	PROGRAM AND PETITION
For: CRYOPUMP	:	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 June 17, 2010 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 and;
(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.

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 Frantz Jules, the SPE of Art Unit 3744, and 571-272-26681 for Class 62/055 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,544	05/14/2009	Seong-chan BAE	301/133	2656

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 3030076443

Credit Card Refund Total: $540.00

AM Exp...: XXXXXXXXXXX1003

Adjustment date: 11/05/2009 NFARMER
05/15/2009 DEMMANU1 00000047 12453544
03 FC:1111 -540.00 CP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,545	05/14/2009	Seungyong LEE	303/050	7955

EXAMINER

7590 11/04/2009

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Refund Ref:
11/05/2009 0230876432

Credit Card Refund Total: $592.00

Acct exp..: XXXXXXXXXXX1000

Adjustment date: 11/05/2009 NFARMER
05/15/2009 DEMMANU1 00000046 12453545
03 FC:1111 -542.00 OP
05 FC:1202 -52.00 OP

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.
12/453,564	05/14/2009	John Leonard	08702.0009-05	9604

60949 7590 06/08/2010

WYETH LLC/FINNEGAN HENDERSON, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER	
MINNIFIELD, NITA M	

ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
06/08/2010	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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JUN 0 8 2010

WYETH LLC/FINNEGAN HENDERSON, LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

In re Application of:
Leonard et al.
Serial No.: 12/453,564
Filed: May 14, 2009
Attorney Docket No.: **08702.0009-05**

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.57(a), filed June 7, 2010, to add inadvertently omitted text.

Petitioner states "In an Office Action dated December 11, 2009, the Office noted that part of the text appeared to be missing from the as-filed specification on pages 2, 13, and 20."

As a result, "Applicants petition under 37 C.F.R. § 1.57(a) to incorporate by reference inadvertently omitted text. A review of the as-filed application indicates that, through an inadvertent printing error, part of the text on the left side of pages 2, and 13 was cut off. The line numbers on page 20 were also cutoff."

Petitioner also points out "Applicants concurrently filed a preliminary amendment on May 14, 2009, in which Applicants claimed priority to, and incorporated by reference in its entirety, the parent of this application, U.S. Application No. 11/528,584, which was itself filed September 28, 2006. The inadvertently omitted text appears on pages 2, 13, and 20 in that application, which was a non-provisional application filed under 35 U.S.C. § 111."

Petitioners' points are well taken and persuasive.

Therefore, petitioner's petition is GRANTED.

The inadvertently omitted text will be added.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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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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JUN 23 2009

OFFICE OF PETITIONS

In re Application of :
Gholam A. PEYMAN, et al :
Application No. 12/453,657 : DECISION ON PETITION
Filed: May 18, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 2009_0589 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 18, 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 Gholam A. Peyman. 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.

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 Technology Center Art Unit 2873 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/453,695	05/19/2009	Hyuk Kim	P58861	1795

7590 06/29/2010
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
TON, MINH TOAN T

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
06/29/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 06/23/2010 NFARKER
05/20/2009 JADDO1 00000000 12453695
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of :
Jean-Marie Bourdet et al :
Application No. 12/453,883 : NOTICE
Filed: May 26, 2009 :
Attorney Docket No. 141543

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**.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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28 JUL 2009

WALTER OTTESEN
PO BOX 4026
GAITHERSBURG, MD 20885-4026

In re Application of BAIER et al	:	
U.S. Application No.: 12/453,918	:	
PCT Application No.: PCT/EP2007/008353	:	
Int. Filing Date: 26 September 2007	:	
Priority Date Claimed: 29 September 2006	:	DECISION
Attorney Docket No.: 39/2006	:	
For: APPARATUS FOR OBTAINING ELECTRICAL ENERGY FROM LOW-TEMPERATURE HEAT OR EXHAUST HEAT	:	

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 27 May 2009.

BACKGROUND

On 26 September 2007, applicant filed international application PCT/EP2007/008353, which claimed priority of an earlier Germany application filed 29 September 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 10 April 2008. The thirty-month period for paying the basic national fee in the United States expired on 30 March 2009 (29 March 2009 was a Sunday).

On 31 March 2009, international application PCT/EP2007/008353 became abandoned as to the United States for failure to timely pay the basic national fee.

On 27 May 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 a properly executed 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

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DIW Jan-10

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

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In re Application of
Seung-June Yi et al
Application No. 12/453,933
Filed: May 27, 2009
Atty Docket No. 8737.046.20

ON PETITION

This is a decision on the petition filed October 16, 2009 under 37 CFR 1.53(e), stating that page eleven (11) of the specification was present on filing of the above-identified application.

The petition is **granted**.

The application was deposited on May 27, 2009. However, on August 17, 2009, the Office of Patent Application Processing mailed a "Notice of Omitted Items Application," stating that page eleven (11) of the specification was omitted from the application on filing.

In response, on October 16, 2009, the instant petition and a copy of page eleven (11) of the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of thirty-four (34) pages of the specification on May 27, 2009. A review of the application file indicates the presence of only thirty-three (33) pages of the specification with page eleven (11) missing.

MPEP 503 states that "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." Accordingly, since the evidence supports the fact that thirty-four (34) pages of the specification were in fact present on filing, the Notice mailed August 17, 2009 is vacated.

Since page eleven (11) of the specification cannot be located in the Office, the copy of page eleven (11) supplied on October 16, 2009 will be used for processing and examination purposes.

The petition fee of $400.00 submitted with the petition on October 16, 2009, is being credited to deposit account no. 50-0911 as authorized.

This matter is being referred to the Office of Patent Application Processing with a filing date of May 27, 2009, and for an indication that page eleven (11) of the specification was included on filing and for mailing of a corrected filing receipt.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
ONE FINANCIAL CENTER
BOSTON MA 02111

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APR 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas R. Petrie	:	DECISION ON PETITION
Application No. 12/454,071	:	TO WITHDRAW
Filed: May 12, 2009	:	FROM RECORD
Attorney Docket No. 28716-501D01US	:	

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 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. 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 Boris A. Matvenko on behalf of all attorneys of record who are associated with Customer No. 35437.

All attorneys/agents associated with Customer Number 35437 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 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: Thomas R. Petrie
Energex Systems, Inc.
80 Commerce Drive
Allendale, New Jersey 07401

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DEC 17 2009

OFFICE OF PETITIONS

HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
Gary DUNCAN	:	
Application No. 12/454,100	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1568-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 14, 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 the applicant. 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.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being returned to Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Petitions Examiner
Office of Petitions

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NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
155 SEAPORT BOULEVARD
BOSTON MA 02210-2604

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FEB 02 2010

In re Application of	:	
Yoshihisa et al.	:	
Application No. 12/454,154	:	DECISION GRANTING
Filed: May 12, 2009	:	PETITION
Attorney Docket No. 109580-84101	:	

This is a decision on the petition filed October 21, 2009, requesting that the above-identified application be accorded a filing date of May 12, 2009. Currently, the filing date of May 13, 2009 has been assigned. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner requests the filing date on the basis that the application was purportedly deposited with Express Mail Service on May 12, 2009, pursuant to 37 CFR 1.10. In support, applicants have submitted a copy of Express Mail label No. (EM 258251657 US) showing a stamped postal date of May 12, 2009 (Exhibit A). The same Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated May 12, 2009 on the cover page for the application papers. Additionally, applicants have submitted a copy of a Track & Confirm record showing that the package in question was accepted on May 12, 2009, at 9:19 p.m. at the Boston, MA USPS.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on May 12, 2009. Accordingly, this application is entitled to a filing date of May 12, 2009, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing (OPAP) for **correction of the filing date to May 12, 2009 and for issuance of a corrected filing receipt**.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries relating to this decision should be directed to Joan Olszewski at (571) 272-7751. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4100.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Nelson N.S. Chang
154-40 Horace Harding Expressway
Flushing NY 11367

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JAN 29 2010

In re Application of	:	
Nelson N. S. Chang	:	
Application No. 12/454,165	:	DECISION ON PETITION
Filed: May 14, 2009	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.182, filed, August 14, 2009, to request a later filing date in the above-identified application.

The petition is **DISMISSED**.

The above identified application was filed on May 14, 2009. A Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted (Notice) was mailed June 16, 2009. The Notice indicated that drawing figures 1, 6 ,7 had been omitted from the application. The Notice set forth three options for correcting the drawing omission and petitioner elected to follow option II. Petition for later filing date. This petition requires a copy of the Notice which petitioner did not provide and also requires a supplemental oath or declaration referring to the omitted items. While the petition was accompanied by a new declaration, the declaration makes no mention of the omitted drawings. Therefore the petition does not meet all the requirements of the petition for later filing date and is dismissed.

While not subject to this petition, the file shows that the Notice also required replacement compact discs and applicant has not responded to this requirement.

The period for response to the Notice continues to run from the mail date of that Notice.

Further correspondence with respect to the petition for later filing date should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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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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BARBARA V. MAURER
5 HAVEN HILL RISE
FLAMINGTON, NJ 08822

MAILED

OCT 21 2009

OFFICE OF PETITIONS

In re Application of :
Gordhanbhai N. Patel :
Application No. 12/454,192 : DECISION ON PETITION
Filed: may 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 002.001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 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 from applicant's representative that she is in possession of proof of applicant's age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. 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 2841 for action on the merits commensurate with this decision.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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G KENNETH SMITH
1645 BRIARWOOD CIRCLE
BETHLEHEM PA 18015

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SEP 30 2009

OFFICE OF PETITIONS

In re Application of
Xiaolian Gao et al.
Application No. 12/454,471
Filed: May 18, 2009
Attorney Docket No. GAO02-CON2

: DECISION GRANTING
: PETITION

This is a decision on the filing date petition filed August 10, 2009, under 37 CFR 1.57.

The application was filed on May 18, 2009. As a part of the originally filed disclosure, an Application Data Sheet was filed with a claim for priority to 11/648,717 filed December 29, 2006.

On June 8, 2009 the Office of Data Management mailed a Notice of Incomplete Application stating that the application had not been filed with a specification and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner acknowledges that the specification was inadvertently not filed but claims priority to 11/648,717 filed December 29, 2006. With the petition was filed a specification, claims and abstract.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;

(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

In view of 37 CFR 1.57 which provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted specification and drawings, the argument is persuasive and the petition therefore is **GRANTED** .

Since the petition was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account and cannot be refunded.

The primary examiner is expected to compare the specification, claims and abstract supplied on August 10, 2009, to the disclosure of U.S. Non-provisional application no. 11/648,717 in order to verify that they were in fact, a part of the disclosure of the parent application.

The application is being forwarded to the Office of Patent Application Processing for correction of the filing date to May 18, 2009, using the application papers filed May 18, 2009 and those submitted August 10, 2009 as a part of the original disclosure.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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G KENNETH SMITH
1645 BRIARWOOD CIRCLE
BETHLEHEM PA 18015

MAILED

FEB 02 2010

OFFICE OF PETITIONS

In re Application of
Xiaolian Gao et al.
Application No. 12/454,471
Filed: May 18, 2009
Attorney Docket No. GAO02-CON2

: DECISION GRANTING
: PETITION

This is a decision on the filing date petition filed December 9, 2009 under 37 CFR 1.57(a). The petition is treated under 37 CFR 1.53(e)(2).

The application was filed on May 18, 2009. As a part of the originally filed disclosure, an Application Data Sheet was filed with a claim for priority to 11/648,717 filed December 29, 2006. On June 8, 2009 the Office of Data Management mailed a Notice of Incomplete Application stating that the application had not been filed with a specification and thus, the application could not be accorded a filing date. In response a petition under 37 CFR 1.57 was filed August 10, 2009 acknowledging that the specification was inadvertently not filed but claimed priority to 11/648,717 filed December 29, 2006. In view of 37 CFR 1.57 which provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted specification and drawings, the argument is persuasive and the petition was granted in a decision mailed September 30, 2009.

The Office of Data Management mailed a Second Notice of Incomplete Application on October 19, 2009 stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date. The Notice also required the filing of a Substitute Specification.

In response, the present petition was filed. Petitioner renews their argument acknowledging that the specification was inadvertently not filed in the original filing and the figures were inadvertently not filed with the petition filed on August 10, 2009, but the Applicant claims priority to 11/648,717 filed December 29, 2006. Additionally, a substitute specification has been filed with in response to the Notice of Incomplete Application filed October 19, 2009.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary

> for an understanding of the invention under 35 U.S.C. 113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. The amendment will be considered by the examiner.

To the extent the instant petition requests a filing date of May 18, 2009 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to the credit card provided.

Pursuant to this decision, the application has been referred to Office of Patent Application Processing for:

- correction of the filing date to May 18, 2009
- for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing and
- for issuance of a filing receipt.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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SEP 28 2009

OFFICE OF PETITIONS

HAMILTON, BROOK, SMITH & REYNOLDS PC
530 VIRGINIA ROAD
PO BOX 9133
CONCORD MA 01742-9133

In re Application of	:	
Lerch, et al.	:	
Application No. 12/454,568	:	DECISION GRANTING PETITION
Filed: May 18, 2009	:	
Attorney Docket No. 3703.1049-006	:	

This is a decision on the petition, filed August 12, 2009, to accord the above-identified application a filing date of May 18, 2009, with Figure 6 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on May 18, 2009. However, on June 9, 2009, the Office mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were instructed to submit the statutory basic filing fee, examination fee, search fee, and surcharge for their late filing. In addition, applicants were notified the application papers had been accorded a filing date of May 18, 2009; however, Figure 6 of the drawings appeared to have been omitted.

In response, applicants filed the present petition. Applicants have submitted a postcard receipt identifying the application, itemizing drawings, including 7 sheets of drawings as enclosed, and bearing a USPTO date stamp of May 18, 2009.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.[1]

In view of the above, the petition is **GRANTED**.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No. 08-0380.

The $330 statutory basic filing fee, $540 search fee, and $220 fee, and $130 late surcharge have been charged to Deposit Account No. 08-0380, as authorized.

The application is being returned to the Office of Patent Application Processing for further processing, using the application papers filed May 18, 2009, and Figure 6 of the drawings as re-supplied with the instant petition, and for indication in Office records that 7 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 503.

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JUL 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 12/454,816	:	DECISION GRANTING STATUS
Filed: May 22, 2009	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. SP9081-US (SAMS06-09081)	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 14, 2009.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Hoon-Tae Kim, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to Technology Center AU 2618 for examination on the merits.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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HOON-TAE KIM
#102-1307 DOOJIN APT.
YEONGDEOK-RI, GIHEUNG-EUP
YONGIN-SI, GYEONGGI-DO
REPUBLIC OF KOREA

MAILED

JUL 01 2010

OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 12/454,816 : ON PETITION
Filed: May 22, 2009 :
Attorney Docket No. SP9081-US (SAMS06-09081) :

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/454,896	05/26/2009	Hassan Agha		9416

7590 06/28/2010

Law Office of Martin Jerisat
Suite 3300
10 S. LaSalle Street
Chicago, IL 60603

EXAMINER	
TOOMER, CEPHIA D	
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.

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Law Office of Martin Jerisat
Suite 3300
10 S. LaSalle Street
Chicago IL 60603

JUN 28 2010

In re Application of :
Agha :
Application No. 12/454,896 :
Filed: 5/26/2009 :
Attorney Docket No. :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
THE GREEN TECHNOLOGY
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/4/2010, 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 **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 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 petition lacks item(s) 6 and 8.

In regard to item 6, petitioner should note that the instant petition to make special was not filed electronically. Thus it is dismissed for not complying with the Notice.

In regard to item 8, petitioner should note that since no publication fee as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1797 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,048	05/28/2009	Ramses Nashed	Case No. 9	3028

7590 06/10/2010

Ramses Nashed
505 First Avenue South
Tierra Verde, FL 33715

EXAMINER	
ART UNIT	PAPER NUMBER
3771	
MAIL DATE	DELIVERY MODE
06/10/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,048	05/28/2009	Ramses Nashed	Case No. 9	3028

7590 06/10/2010

Ramses Nashed
505 First Avenue South
Tierra Verde, FL 33715

EXAMINER

ART UNIT	PAPER NUMBER
3771	

MAIL DATE	DELIVERY MODE
06/10/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 06/14/2010 [illegible]
[illegible] -270.00 OP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,092	05/28/2009	Michael J. Hochberg	8069P.1US	4634

7590 12/07/2009

Milstein Zhang & Wu LLC
49 Lexington Street, Suite 6
Newton, MA 02465-1062

EXAMINER	
ART UNIT	PAPER NUMBER
2883	
MAIL DATE	DELIVERY MODE
12/07/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 12/10/2009 KKING1
05/29/2009 SSESHE1 00000020 12455092
02 FC:2111 -270.00 OP

Repln. Ref: 12/10/2009 KKING1 0015413200
DA#:504969 Name/Number:12455092
FC: 9204 $270.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,092	05/28/2009	Michael J. Hochberg	8069P.1US	4634

EXAMINER

7590 12/07/2009

Milstein Zhang & Wu LLC
49 Lexington Street, Suite 6
Newton, MA 02465-1062

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
12/07/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kalethia Buchanan

Patent Publication Branch
Office of Data Management

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SAN DIEGO CA 92123

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SEP 14 2009

OFFICE OF PETITIONS

In re Application of :
KOIKE, Junichi et al. :
Application No. 12/455,161 : DECISION ON PETITION
Filed: May 29, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **13024-302US-CA1** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 04, 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 attesting that Hideaki Kawakami is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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 2814 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/455,173	05/28/2009	Weston Arthur Hermann	TES014	8822

87872 7590 02/22/2010

Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley, CA 94942

EXAMINER	
ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
02/22/2010	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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Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley CA 94942

In re Application of	:	
HERMANN et al.	:	DECISION ON PETITION
Application No. 12/455,173	:	TO MAKE SPECIAL UNDER
Filed: 28 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. TES014	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 14 December 2009, 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 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 374/131) 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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2855 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley CA 94942

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In re Application of:
Kreiner et al
Application No. 12/455,248
Filed: May 28, 2009
Attorney Docket No. TES017

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 14, 2009, 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 application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that 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. 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 petition lacks items 1 and 5 as explained below.

In regard to item petitioner should note that this application has been classified in an area (USPC 429/50) 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.

The petition lacks item 5 as explained below.

In regard to item 5, it is noted that the instant petition includes a statement identifying the basis for the special status that the invention pertains to energy conservation, development of renewable energy resources, or green gas emission as required by sections II and III of the notice. The instant invention is directed to a system for detecting battery thermal runaway. Petitioner's argument is that (a) the rapid detection of such a thermal event in electric vehicle would prevent potentially extensive collateral property damage and (b) the acceptance of electric vehicles will help to reduce the number of vehicles utilizing internal combustion engines. Petitioner should note that prevention of potentially extensive collateral property damage is a safety issue and the potential to reduction of the number of vehicles utilizing internal combustion engines depends on how an end user might use the instant invention. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment. See MPEP §708.02 [R-6].

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 Layla Lauchman at 571-272-2418.

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 1795 for action in its regular turn.

Ramesh Krishnamurthy
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.
12/455,275	05/29/2009	David G. Elwell	Stabilization of Catheter	9600

61364 7590 06/18/2010

ROBERT A. VANDERHYE
801 RIDGE DR.
MCLEAN, VA 22101-1625

EXAMINER	
BUMGARNER, MELBA N	

ART UNIT	PAPER NUMBER
3767	

MAIL DATE	DELIVERY MODE
06/18/2010	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

Robert A. Vanderhye
801 Ridge Dr.
McLean, VA 22101

In re Application of:
ELWELL et al
Serial No.: 12/455,275
Filed: May 29, 2009
Docket: NA
Title: STABILIZATION OF A CATHETER OR CANNULA

DECISION ON PETITION

This is a decision on the petition filed on December 14, 2009 by which petitioner requests withdrawal of the restriction requirement mailed October 23, 2009, and that non-elected claims 6,8, and 12-20 be rejoined and examined on the merits. Claims 1-5, 7 and 9-11 were elected for prosecution. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED.

Prosecution History:

A review of the record reveals that on October 23, 2009 a restriction requirement was made between two disclosed and claimed related inventions: I) claims 1-11, and 16-18 drawn to the stabilizing device and butterfly catheter, classified in class 604, subclass 180; and II) Claims 12-15 drawn to the method of stabilizing a catheter or cannula, classified in class 604, subclass 508. Additionally, the October 23rd Action asserted that the application contained claims directed to the following patentably distinct species represented in the Specification: Species A of figures 2 and 3; Species B of figures 8 and 9; Species C of figure 10; Species D of figure 11; Species E of figures 14 and 15; and Species F of figure 18. Because each of these species recites mutually exclusive characteristics, Applicant was required to select only one of the species to be examined on its merits. On October 28, 2009, the applicant filed a response to the restriction requirement and elected Invention I, Species B (represented in figure 8 and 9) to be examined on the merits. (The claims to be examined are noted above.) Applicant also properly traversed the restriction requirement.

In the "Response to October 23, 2009 Action" filed on October 28, Applicant asserted that the process claims are not distinct from the product claims. Applicant argued that the method

"claims 12-15 are directed to the same general invention as [Invention I], namely cannula or catheter stabilization, not what is done with the cannula or catheter." Furthermore, the Examiner erroneously misplaced the method claims in the wrong subclass, and that the "'species'...are patentably distinct variations of the same basic invention" and all should be examined. (Emphasis in original). For these reason, Applicant argues restriction was not proper. The Examiner, in the Non-final Office Action mailed on December 10, 2009, found these arguments unpersuasive and made the restriction requirements final.

Discussion and Analysis:

The examiner stated that the inventions were distinct because the inventions were related as a product and a process of using in accordance with MPEP 806.05(h) [1]. Where the process can be practiced with a materially different product, or the product can be used in a materially different process, restriction is proper. The restriction requirement is considered proper in that the inventions are distinct for the reasons set forth in the restriction requirement dated October 23, 2009 and each invention would involve a separate classification and a different search. In the restriction requirement of October 23, 2009, the examiner stated that "the product of Invention I as claimed can be used in a materially different process of applying the receiving element and various stabilizing elements coincidently. (¶ 2) Examiner further states, in the December 10th 2009 Action, that, the claimed process is not limited to the application of the stabilizing device of Invention I.

A careful review of the claims as amended on March 2, 2010 also shows that the claimed product as claimed can be used in another, different process such as in other technology in which each stabilizing element is applied to skin, then the support element (catheter fitting) is applied to the stabilizing elements, and then directs insertion of a catheter as process steps. The process, as claimed, can be used with another, different product such as in products which the catheter is inserted using a needle, and the securement device is taped to skin, with a product having the securement device and tape strips meet the claim limitation of at least one distinct and spaced, proximal and lateral element. The examples given are only intended to show where the claimed process can be practiced with a materially different product, or the claimed product can be used in a materially different process. Therefore, this would establish that the Invention I and Invention II are patentably distinct or independent.

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[1] MPEP 806.05(h) [R-3] Product and Process of Using: A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. The burden is on the examiner to provide an example, but the example need not be documented. If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

In addition, the examiner indicated that a serious search burden[2] does exist because the text searches for Inventions I and II would be different. MPEP 808.02 states that serious burden can be found if there is "(C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s)." In carefully studying the product claims, one should and must include the following search terms: *adhesive, pressure sensitive, sterile, tape, ban, strip, catheter, cannula, release sheet, liner, bilateral wing,* and *overlap.* Whereas the process claims should and must include the following search terms: *stabilizing, insertion, introducer, needle, angiocatheter, catheter, cannula, sterility, adhesive,* and *skin.*

The Examiner, in the Non-final Office Action of December 10, 2009 indicates that the method claims would further require searching beyond the search for the product claims for the steps of inserting a catheter or cannula, using a removable insertion device with a needle, removing the removable insertion device, lifting the receiving element and removing any blood flash or IV fluid from the patient's skin. In the petition, Petitioner argues that Examiner's classification is improper. This line of argument is not persuasive because it is Office policy that the classification of applications is generally based on the most comprehensive claims (MPEP § 903) and the examiners are responsible to develop a search strategy and fields of searches (MPEP § 904.03). In the present application, while some of the search may overlap, Petitioner fails to show any evidence that Invention I and Invention II would require identical fields of search. Therefore, there is a serious burden of search if the restriction is not given. In order to perform a quality examination and search of prior art references, the restriction requirement is proper. For the foregoing reasons, the restriction requirement is proper and complies with the Office policy.

With regard to the election of species requirement, the species in the application are directed to different embodiments. The Applicant has admitted that the "'species'... are patentably distinct variations of the same basic invention." ("Response to October 23, 2009 Action", page 3; *see*

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[2] MPEP 808.02 Establishing Burden, states: Where, as disclosed in the application, the several inventions claimed are related, and such related inventions are not patentably distinct as claimed, restriction under 35 U.S.C. 121 is never proper (MPEP § 806.05). If applicant voluntarily files claims to such related inventions in different applications, double patenting may be held. Where the * inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:(A) Separate classification thereof: This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification. (B) A separate status in the art when they are classifiable together: Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search. (C) A different field of search: Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown), even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search. Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions.

also, "Petition from Requirement for Restriction", page 4). Therefore, the species are patentably distinct.

With regard to the argument relating mutually exclusive characteristics, the elected Species B does recite the mutually exclusive limitations. For example, claim 5 includes the limitations of "separate release sheet covering overlapping adhesive on each of [the] tape strips". This limitation in claim 5 is mutually exclusive from the limitation of claim 6. In particular, claim 6 recites "at least one of [the] tape strips has a bottom surface with a pattern of adhesive and release sections, and is folded over on itself so that [the] adhesive and release sections operatively engage each other." The "separate release sheet covering, etc." of claim 5 would not be required in claim 6 and the requirement of "a bottom surface with a pattern of adhesive and release sections, etc." would not be required in claim 5. Since the claims are directed to independent, mutually exclusive species, the Election of Species requirement is proper pursuant to 35 USC 121[3]. In this requirement, it is not necessary to show a separate status in the art or separate classifications.

In view of the record, the restriction requirements rendered on October 23, 2009 are proper and stand. The examiner properly followed the guidelines set forth in MPEP § 806.05(h) and 808.02. Therefore, the requested relief cannot be granted.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. The restriction requirements rendered on October 23, 2009 are considered proper. Petitioner's request to have the non-elected claims be examined in this application is dismissed. Of course, if a generic claim is later found allowable, the applicant is entitled to claim a reasonable number of species by rejoining the other non-elected dependent claims. (See the end of paragraph 4 of page 5 of the Office Action of October 23, 2009). The petition is dismissed.

The application is being forwarded to the examiner via the SPE of Art Unit 3767 waiting for a response to the outstanding Office action mailed on June 8, 2010. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272- 4856.

PETITION DISMISSED.

Robert Olszewski, Director
Technology Center 3700

[3] 35 U.S.C. 121 Divisional applications, states: If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MARTIN & FERRARO, LLP
1557 LAKE O'PINES STREET, NE
HARTVILLE OH 44632

COPY MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of
Meschan, et al.
Application No. 12/455,350
Filed: 1 June, 2009
Attorney Docket No. 104.0003-20000

DECISION ON PETITION

This is a decision on the petition filed on 1 June, 2009, under 37 §1.47.

It is noted that, while Petitioner filed a copy of the decision from the parent application in which Rule 47 Status was accorded, Petitioner failed to file a copy of the petition from the parent application by which such relief was sought. Petitioner is reminded that both the petition and the decision are to accompany a petition wherein Petitioner avers that Rule 47 Status previously was accorded in a parent application.

The petition as considered under 37 §1.47(a) is **GRANTED**.

A grantable petition under 37 §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record indicates:

The instant application was deposited on 1 June, 2009, without a fully executed oath/declaration.

The Office of Patent Application Processing (OPAP) did not mail a Notice of Missing Parts as to, *inter alia*, oath/declaration because it appears that the instant petition was filed on deposit of the application.

Applicant files a copy of the oath/declaration from prior application 10/882,729, of which the above-identified application is a Continuation application. Although Applicant did not include it, the Office has obtained a copy of the decision granting a petition according status under 37 C.F.R. §1.47 in the prior application, no. 10/882,729.

As provided in the regulations at 37 C.F.R. §1.63(d):

> (1) A newly executed oath or declaration is not required under §1.51(b)(2) and §1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under §1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord §1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c); and

(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. §1.63(d). This application is hereby accorded Rule §1.47(b) status. The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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APR 0 6 2005

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632

Telephone
(330) 877-0700

Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:

Name: Office of Petitions

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9306

FROM:

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-0700

No. of Pages (including this): 4

Subject: U.S. Patent Application No. 10/882,729
David F. Meschan et al.
Filed: June 30, 2004
HEEL SUPPORT FOR ATHLETIC SHOE
Attorney Docket No. 104.0003-06000
Confirmation No.: 4090
Customer No. 22882

Date: April 6, 2005

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a) and corrected Declaration are being facsimile transmitted to the U.S. Patent and Trademark Office on April 6, 2005.

Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.

PATENT
Attorney Docket No. 104.0003-06000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 06 2005

In re Application of:	)	
David F. Meschan et al.	)	Confirmation No.: 4090
Serial No.: 10/882,729	)	
Filed: June 30, 2004	)	Group Art Unit: 3728
For: HEEL SUPPORT FOR ATHLETIC SHOE	)	

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)

In reply to the Decision Refusing Status Under 37 C.F.R. § 1.47(a), the undersigned submits herewith a corrected Declaration showing a blank signature block for the non-signing inventor, and respectfully requests that the Petition Under 37 C.F.R. § 1.47(a) be granted.

Please grant any extensions of time required to enter this paper and charge any additional required fees to our deposit account 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: April 6, 2005

By: _____
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Attorney Docket No. 104.0003-06000

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: HEEL SUPPORT FOR athletic SHOE, the specification of which ☐ is attached and/or ☒ was filed on June 30, 2004 as United States Application Serial No. 10/882,729 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is materia to patentability as defined in 37 CFR ' 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. ' 119(a)-(d) or ' 365(b) of any foreign application(s) for patent or inventor's certificate or ' 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT internation al application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
			☐ YES ☐ NO
			☐ YES ☐ NO

I hereby claim the benefit under 35 U.S.C. ' 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing

I hereby claim the benefit under 35 U.S.C. ' 120 of any United States application(s) or ' 365(c) of any PCT International application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. ' 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR ' 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)
10/447,003	05/28/2003	Pending
10/007,535	12/04/2001	U.S. Patent No. 6,604,300
09/641,148	08/17/200	U.S. Patent No. 6,324,772
09/512,493	02/25/2000	U.S. Patent No. 6,195,916
09/313,667	05/18/1999	U.S. Patent No. 6,050,002
08/723,857	09/30/1996	U.S. Patent No. 5,918,384
08/291,945	08/17/1994	U.S. Patent No. 5,560,126

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. **MARTIN & FERRARO LLP**, Thomas H. Martin, Registration No. 34,383; Amedeo F. Ferraro, Registration No. 37,129; and Todd M. Martin, Registration No. 42,844. Please address all correspondence to:

Customer No. 22882
MARTIN & FERRARO LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone No. (330) 877-0700.

I hereby declare that all statements made herein of my own knowledge are true and that all state ments made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Listing of Inventors Continued on Page 2 hereof. Yes 9 No

PAGE 3/4 * RCVD AT 4/6/2005 3:16:30 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:3308772030 * DURATION (mm-ss):01-12

Full Name of First Inventor David F. Meschan	Inventor's Signature David F. Meschan	Date 3-18-05
Residence 502 Waycross Drive, Greensboro, North Carolina 27410		Citizenship USA
Post Office Address 502 Waycross Drive, Greensboro, North Carolina 27410		
Full Name of Second Inventor Tuan N. Le	Inventor's Signature	Date
Residence 6109 S.E. 88th Avenue, Portland, Oregon 97266-5303		Citizenship USA
Post Office Address 6109 S.E. 88th Avenue, Portland, Oregon 97266-5303		

PAGE 4/4 * RCVD AT 4/6/2005 3:16:30 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:3308772030 * DURATION (mm-ss):01-12

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MARTINE & FERRARO LLP
1557 LAKE OPINES ST NE
HARTVILLE OH 44632

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APR 20 2005

OFFICE OF PETITIONS

In re Application of :
David F. Meschan, Tuan N. Le :
Application No. 10/882,729 : DECISION GRANTING STATUS
Filed: June 30, 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 104.0003-06000 :
:

This is in response to the renewed petition under 37 CFR 1.47(a), filed April 6, 2005.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on June 30, 2004. On August 26, 2004, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration (and a surcharge for its late filing). This Notice set a two-month period for reply.

In reply, applicant filed a petition under 37 CFR 1.47(a) on February 23, 2005, made timely by obtaining a four month extension of time. Accompanying the petition was a declaration twice executed by inventor David F. Meschan, in his signature block and in the signature block of inventor Tuan N. Le. However, the petition was dismissed in a decision mailed on March 15, 2005, because the signature block for Le was not left blank.

On renewed petition, Rule 47 applicant has submitted a declaration in compliance with 37 CFR 1.63 and satisfied the requirements of 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor Le at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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TUAN N LE
6109 SE 88TH AVE
PORTLAND OR 97266-5303

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APR 20 2005

OFFICE OF PETITIONS

In re Application of :
David F. Meschan, Tuan N. Le :
Application No. 10/882,729 :
Filed: June 30, 2004 : LETTER
Title: Heel Support for Athletic Shoe :

Dear Mr. Le:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

Thomas H Martin
1557 Lake O'Pines St NE
Hartville, Ohio 44632
phone: 330-877-0700

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

Paper No.

COPY MAILED

SEP 01 2009

OFFICE OF PETITIONS

Michael G. Gilman
424 Lantana Park
Lexington KY 40515

In re Application of :
Borsa et al. :
Application No. 12/455,355 : DECISION ON PETITION
Filing Date: June 1, 2009 : UNDER 37 C.F.R. § 1.183
Attorney Docket Number: 4624-005 :
Title: PROCESS FOR THE PREPARATION OF ESTERS OF DIACEREIN WITH HYALURONIC ACID AND PHARMACEUTICAL COMPOSITIONS CONTAINING SUCH ESTERS :

Background

This is a decision on the petition filed on July 24, 2009, pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule 1.6(d)(3), which prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[1] via facsimile transmission.

In short, on May 5, 2009, Petitioner believed that it was imperative to obtain a filing date prior to May 9, 2009, and that the submission of this application via facsimile transmission would be the best way to accomplish this goal.[2] A filing date was not accorded, due to the prohibition against submitting an application on original deposit via facsimile transmission. Petitioner later submitted the application via Express Mail and obtained a filing date of June 1, 2009, pursuant to 37 C.F.R.

1 Rule 1.8(a)(2)(i)(A).
2 Petition, page 2.

§ 1.6(2). Petitioner seeks to have this application accorded a filing date of May 5, 2009, the date on which it was submitted via facsimile transmission.

It is noted that the electronic record does not contain any evidence that this application was submitted to the Office via facsimile transmission on May 5, 2009. It is further noted that Petitioner has indicated that he included with this petition a copy of an "undated and unsigned"[3] paper that he received from the Office, but a copy of this paper has not been located in the electronic file.

Receipt of the $400 petition fee is acknowledged.

A discussion follows.

Applicable Rules

37 C.F.R. §§ 1.6(a)(2) and (4) set forth, *in toto*:

(a) Date of receipt and Express Mail date of deposit. Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(4) Correspondence may be submitted using the Office electronic filing system only in accordance with the Office electronic filing system requirements. Correspondence submitted to the Office by way of the Office electronic filing system will be accorded a receipt date, which is the date the correspondence is received at the correspondence address for the Office set forth in § 1.1 when it was officially submitted.

37 C.F.R. § 1.6(d)(3) sets forth, *in toto*:

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a

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3 Id.

facsimile cover sheet. Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:

(3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;

37 C.F.R. § 1.8(a)(2)(i)(A) sets forth, *in toto*:

The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

37 C.F.R. § 1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

Analysis

In order to submit a grantable petition under 37 C.F.R. § 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Petitioner has implied that an extraordinary situation exists, and has alleged that justice requires waiver of the rule.[4] However, the record does not support a finding that this situation presents an extraordinary situation, such that justice requires waiver of the rule.

Rule 1.6(d)(3) prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[5] via facsimile transmission.

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4 Petition, pages 2-3.
5 Rule 1.8(a)(2)(i)(A).

Petitioner was faced with a situation where he believed that he had only 5 days to secure a filing date.[6] Applicants can receive a filing date on the same day on which they file the application, should they avail themselves of Express Mail practice (37 C.F.R. § 1.6(a)(2)) or Electronic Filing (37 C.F.R. § 1.6(a)(4)). There is nothing extraordinary about a practitioner who finds himself faced with a deadline, and as such, the rules provide two methods by which an applicant may receive a filing date on the same date that the application is either deposited with the USPS or filed electronically.

It follows that justice does not require the waiver of Rule 1.6(d)(3). Patent practitioners have two methods by which they can obtain a filing date on the same day on which they file the application. Petitioner chose a method that is both outside of these two established avenues and is explicitly prohibited. As a registered member of the patent bar, Petitioner is expected to know the relevant regulations pertaining to his practice and under which this Office operates, and he is charged with the responsibility of keeping himself up to date with any changes in these matters. The commission of an error that stems from a failure to be aware of a publicized Office practice does not give rise to a situation where justice requires the waiver of the rule.

Conclusion

The petition under 37 C.F.R. §1.183 is **DISMISSED**.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing, with a filing date of June 1, 2009.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.

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.

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6 Petition, page 2.

§ 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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WWW.USPTO.GOV

Paper No.

Michael G. Gilman
424 Lantana Park
Lexington KY 40515

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Borsa et al. :
Application No. 12/455,355 : DECISION ON RENEWED PETITION
Filing Date: June 1, 2009 : UNDER 37 C.F.R. § 1.183
Attorney Docket Number: 4624-005 :
Title: PROCESS FOR THE PREPARATION OF ESTERS OF DIACEREIN WITH HYALURONIC ACID AND PHARMACEUTICAL COMPOSITIONS CONTAINING SUCH ESTERS :

Background

This is a decision on the renewed petition filed on September 10, 2009, pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule 1.6(d)(3), which prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[1] via facsimile transmission.

In short, on May 5, 2009, Petitioner believed that it was imperative to obtain a filing date prior to May 9, 2009, and that the submission of this application via facsimile transmission would be the best way to accomplish this goal,[2] unaware of the prohibition against submitting an application on original deposit via facsimile transmission.[3] A filing date was not accorded, due to this prohibition. Petitioner later submitted the application via Express Mail and obtained a filing date of June 1, 2009, pursuant to 37 C.F.R. § 1.6(2). Petitioner seeks to have this

1 See also Rule 1.8(a)(2)(i)(A).
2 Original petition, page 2, and renewed petition, pages 2-3.
3 Original petition, pages 1-2, and renewed petition, page 3.

application accorded a filing date of May 5, 2009, the date on which it was submitted via facsimile transmission.

A discussion follows.

Applicable Rules

37 C.F.R. §§ 1.6(a)(2) and (4) set forth, *in toto*:

(a) Date of receipt and Express Mail date of deposit. Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(4) Correspondence may be submitted using the Office electronic filing system only in accordance with the Office electronic filing system requirements. Correspondence submitted to the Office by way of the Office electronic filing system will be accorded a receipt date, which is the date the correspondence is received at the correspondence address for the Office set forth in § 1.1 when it was officially submitted.

37 C.F.R. § 1.6(d)(3) sets forth, *in toto*:

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a facsimile cover sheet. Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:

(3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;

37 C.F.R. § 1.8(a)(2)(i)(A) sets forth, *in toto*:

The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

37 C.F.R. § 1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

Procedural History and Analysis

An original petition was filed on July 24, 2009 along with the petition fee, and was dismissed via the mailing of a decision on September 1, 2009, which set forth, in pertinent part:

> In order to submit a grantable petition under 37 C.F.R. § 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).
>
> Petitioner has implied that an extraordinary situation exists, and has alleged that justice requires waiver of the rule.[4] However, the record does not support a finding that this situation presents an extraordinary situation, such that justice requires waiver of the rule.
>
> Rule 1.6(d)(3) prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[5] via facsimile transmission.
>
> Petitioner was faced with a situation where he believed that he had only 5 days to secure a filing date.[6] Applicants can receive a filing date on the same day on which they file the application, should they avail themselves of Express Mail practice (37 C.F.R. § 1.6(a)(2)) or Electronic Filing (37 C.F.R. § 1.6(a)(4)). There is nothing extraordinary about a practitioner who finds himself faced with a deadline, and as such, the rules provide two methods by which an applicant may receive a filing date on the same date that the application is either deposited with the USPS or filed electronically.
>
> It follows that justice does not require the waiver of Rule 1.6(d)(3). Patent practitioners have two methods by which they can obtain a filing date on the same day on which they file the application. Petitioner chose a method that is both outside of these two established avenues and is explicitly prohibited. As a

4 Petition, pages 2-3.
5 Rule 1.8(a)(2)(i)(A).
6 Petition, page 2.

> registered member of the patent bar, Petitioner is expected to know the relevant regulations pertaining to his practice and under which this Office operates, and he is charged with the responsibility of keeping himself up to date with any changes in these matters. The commission of an error that stems from a failure to be aware of a publicized Office practice does not give rise to a situation where justice requires the waiver of the rule.
>
> Decision on original petition, pages 3-4.

With this renewed petition, Petitioner has provided, *inter alia*, evidentiary support for his assertion that the application was submitted to the Office via facsimile transmission on May 5, 2009, along with a copy of the paper he received from the Office's Application Assistance Unit, explaining the prohibition against the deposit of a new application via facsimile transmission.

Petitioner has further reiterated the perceived need to secure a filing date that is prior to May 8, 2009, and has made reference to two European patent applications, the latter of which was filed on November 7, 2007. The criticality of the date of May 8, 2009 is not explicitly set forth in either this renewed petition or the original petition.[7]

As such, it is clear that Petitioner did not attempt to file this application via facsimile transmission until the date which Petitioner deemed to be critical was fast approaching. While an applicant may wait until the last day to file an application in order to establish continuity, the applicant does so at his or her peril, as he/she does not leave any opportunity to overcome any error which might occur in filing the application. The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay.[8]

In summary, Petitioner waited until just two days before the date which he deemed to be critical, and deposited this application with the Office in a manner that is expressly prohibited by Rule 1.6(d)(3). It follows that the record does not support a finding that an extraordinary situation is present, such that justice requires waiver of Rule 1.6(d)(3).

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7 It is noted that the 18-month anniversary of November 7, 2007 is May 7, 2009.

8 See In re Dubost, 231 USPQ 887, 889 (Comm'r Pat. 1986). See also In re Harding et al., 211 USPQ 903, 905 (Comm'r Pat. 1980), *Ex parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter* v. Natta, 159 U.S.P.Q. 378, 379 (Comm'r Pat. 1968).

Conclusion

This renewed petition under 37 C.F.R. § 1.183 is **DISMISSED**.

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.183." This is not a final agency action within the meaning of 5 U.S.C § 704. **NOTICE: thereafter, there will be no further reconsideration of this matter**[9].

If a second renewed petition is not timely filed, the Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application will be transferred to OPAP, so that the application may receive further processing, with a filing date of June 1, 2009.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[10] hand-delivery,[11] or facsimile.[12] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[13]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[14] All other inquiries concerning

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9 If, on the second request for reconsideration, Petitioner fails to satisfy the showings burden required: (a) the resulting decision may be one viewed as a final agency action; and (b) provisions for reconsideration will **not** apply to that decision.

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

11 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

12 (571) 273-8300- please note this is a central facsimile number.

13 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

14 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

examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

Michael G. Gilman
424 Lantana Park
Lexington KY 40515

MAILED

MAR 24 2010

OFFICE OF PETITIONS

In re Application of :
Borsa et al. :
Application No. 12/455,355 : DECISION ON SECOND RENEWED
Filing Date: June 1, 2009 : PETITION UNDER
Attorney Docket Number: 4624-005 : 37 C.F.R. § 1.183
Title: PROCESS FOR THE PREPARATION OF ESTERS OF DIACEREIN WITH HYALURONIC ACID AND PHARMACEUTICAL COMPOSITIONS CONTAINING SUCH ESTERS :

Background

This is a decision on the second renewed petition filed on November 9, 2009, pursuant to 37 C.F.R. § 1.183. Petitioner has requested the waiver of Rule 1.6(d)(3), which prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[1] via facsimile transmission.

In short, on May 5, 2009, Petitioner believed that it was imperative to obtain a filing date prior to May 9, 2009, and that the submission of this application via facsimile transmission would be the best way to accomplish this goal,[2] unaware of the prohibition against submitting an application on original deposit via facsimile transmission.[3] A filing date was not accorded, due to this prohibition. Petitioner later submitted the application via Express Mail and obtained a filing date of June 1, 2009, pursuant to 37 C.F.R. § 1.6(2). Petitioner seeks to have this

1 See also Rule 1.8(a)(2)(i)(A).
2 Original petition, page 2, and renewed petition, pages 2-3.
3 Original petition, pages 1-2, and renewed petition, page 3.

application accorded a filing date of May 5, 2009, the date on which it was submitted via facsimile transmission. Alternatively, Petitioner seeks to have the May 5, 2009 submission treated as a filing of a provisional application.

A discussion follows.

Applicable Rules

37 C.F.R. §§ 1.6(a)(2) and (4) set forth, *in toto*:

(a) Date of receipt and Express Mail date of deposit. Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(2) Correspondence filed in accordance with § 1.10 will be stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(4) Correspondence may be submitted using the Office electronic filing system only in accordance with the Office electronic filing system requirements. Correspondence submitted to the Office by way of the Office electronic filing system will be accorded a receipt date, which is the date the correspondence is received at the correspondence address for the Office set forth in § 1.1 when it was officially submitted.

37 C.F.R. § 1.6(d)(3) sets forth, *in toto*:

(d) Facsimile transmission. Except in the cases enumerated below, correspondence, including authorizations to charge a deposit account, may be transmitted by facsimile. The receipt date accorded to the correspondence will be the date on which the complete transmission is received in the United States Patent and Trademark Office, unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. See § 1.6(a)(3). To facilitate proper processing, each transmission session should be limited to correspondence to be filed in a single application or other proceeding before the United States Patent and Trademark Office. The application number of a patent application, the control number of a reexamination proceeding, the interference number of an interference proceeding, or the patent number of a patent should be entered as a part of the sender's identification on a facsimile cover sheet. Facsimile transmissions are not permitted and, if submitted, will not be accorded a date of receipt in the following situations:

(3) Correspondence which cannot receive the benefit of the certificate of mailing or transmission as specified in § 1.8(a)(2)(i)(A) through (D) and (F), and § 1.8(a)(2)(iii)(A), except that a continued prosecution application under § 1.53(d) may be transmitted to the Office by facsimile;

37 C.F.R. § 1.8(a)(2)(i)(A) sets forth, *in toto*:

The filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date, including a request for a continued prosecution application under § 1.53(d);

37 C.F.R. § 1.183 sets forth, *in toto*:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(h).

[47 FR 41278, Sept. 17, 1982, effective Oct. 1, 1982; revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

Procedural History and Analysis

An original petition was filed on July 24, 2009 along with the petition fee, and was dismissed via the mailing of a decision on September 1, 2009, which set forth, *in pertinent part*:

> In order to submit a grantable petition under 37 C.F.R. § 1.183, Petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. In re Sivertz, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).
>
> Petitioner has implied that an extraordinary situation exists, and has alleged that justice requires waiver of the rule.[4] However, the record does not support a finding that this situation presents an extraordinary situation, such that justice requires waiver of the rule.
>
> Rule 1.6(d)(3) prohibits the filing of "a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date"[5] via facsimile transmission.
>
> Petitioner was faced with a situation where he believed that he had only 5 days to secure a filing date.[6] Applicants can receive a filing date on the same day on which they file the application, should they avail themselves of Express Mail practice (37 C.F.R. § 1.6(a)(2)) or Electronic Filing (37 C.F.R. § 1.6(a)(4)). There is nothing extraordinary about a practitioner who finds himself faced with a deadline, and as such, the rules provide two methods by which an applicant may receive a filing date on the same date that the application is either deposited with the USPS or filed electronically.
>
> It follows that justice does not require the waiver of Rule 1.6(d)(3). Patent practitioners have two methods by which they can obtain a filing date on the same day on which they file the application. Petitioner chose a method that is both outside of these two established avenues and is explicitly prohibited. As a

4 Petition, pages 2-3.
5 Rule 1.8(a)(2)(i)(A).
6 Petition, page 2.

> registered member of the patent bar, Petitioner is expected to know the relevant regulations pertaining to his practice and under which this Office operates, and he is charged with the responsibility of keeping himself up to date with any changes in these matters. The commission of an error that stems from a failure to be aware of a publicized Office practice does not give rise to a situation where justice requires the waiver of the rule.[7]
>
> Decision on original petition, pages 3-4.

A renewed petition was filed on September 10, 2009, where Petitioner provided, *inter alia*, evidentiary support for his assertion that the application was submitted to the Office via facsimile transmission on May 5, 2009, and a copy of the paper he received from the Office's Application Assistance Unit, explaining the prohibition against the deposit of a new application via facsimile transmission.

The renewed petition was dismissed via the mailing of a decision on September 28, 2009, which set forth, *in pertinent part*:

> …it is clear that Petitioner did not attempt to file this application via facsimile transmission until the date which Petitioner deemed to be critical was fast approaching. While an applicant may wait until the last day to file an application in order to establish continuity, the applicant does so at his or her peril, as he/she does not leave any opportunity to overcome any error which might occur in filing the application. The Office, where it has the power to do so, should not relax the requirements of established practice in order to save an applicant from the consequence of his delay.[8]
>
> In summary, Petitioner waited until just two [sic: four] days before the date which he deemed to be critical, and deposited this application with the Office in a manner that is expressly prohibited by Rule 1.6(d)(3). It follows that the record does not support a finding that an extraordinary situation is present, such that justice requires waiver of Rule 1.6(d)(3).
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> Decision on renewed petition, page 4.

With this second renewed petition, Petitioner has asserted that should the Office deny Petitioner's request to accord this application a filing date of May 5, 2009, this will result in "this application having an official filing date that is 27 days

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7 In re Dubost, 231 USPQ 887, 889 (Comm'r Pat. 1986). *See* also In re Harding et al., 211 USPQ 903, 905 (Comm'r Pat. 1980), *Ex parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter* v. Natta, 159 U.S.P.Q. 378, 379 (Comm'r Pat. 1968).
8 Id.

after one year from the date on which the subject matter of this application was published" and "[t]hat is an extraordinary situation warranting the Director's intervention."[9] This assertion misses the point, as it focuses on the consequences of Petitioner's erroneous action with the question of whether Petitioner's situation (which came about as a direct result of his erroneous manner of submitting an application to the Office) constitutes an extraordinary situation such that justice requires the waiver of the Rules.

The Office concludes that this situation does not constitute an extraordinary situation such that justice requires the waiver of the Rules.

Regarding the existence of an extraordinary situation, there is nothing extraordinary about a registered practitioner who is faced with a deadline, and has limited time to secure a filing date: the Office has publicized the two methods by which a practitioner may secure the date of submission as the filing date (Express Mail practice and EFS-Web). Moreover, there is nothing extraordinary about a practitioner who failed to act in concert with published regulations.

Regarding the question of whether justice requires the waiver of the prohibition against securing a filing date via facsimile transmission, with this second renewed petition, Petitioner has included a letter from his client dated April 30, 2009, which indicates that it was imperative for this application to be filed by "the 9th of May 2009 (18 months form (sic) the Italian publication plus one year)." As such, it is was clear that Petitioner's client waited until the end of the time period for claiming benefits under 35 U.S.C. 119 was fast approaching to complete the application in final form for filing and to submit it to his American representative for filing with the Office. While an applicant may wait until the last day to file an application, the applicant does so at his or her peril. Those who file at the end of a statutory bar year (35 U.S.C. 102(b)) or a priority year (35 U.S.C. 119) or who delay filing a continuing application until the last possible day for establishing continuity (35 U.S.C. 120 or 121), do not leave any opportunity to overcome any error which might occur in filing the application, such as what occurred in the present situation. The Office, where it has the power to do so, should not relax the

9 Second renewed petition, page 4.

requirements of established practice in order to save an applicant from the consequence of his delay.[10]

Finally, with this second renewed petition, Petitioner has requested the alternate relief of treating the facsimile submission of May 5, 2009 as a provisional application. Treating the submission of May 5, 2009 as a provisional application would not overcome the prohibition against the filing of an application via facsimile transmission - Rules 1.6(d)(3) and 1.8(a)(2)(i)(A) prohibit "[t]he filing of a national patent application specification and drawing or other correspondence for the purpose of obtaining an application filing date,"[11] and a provisional application is a national patent application within the meaning of Rule 1.8(a)(2)(i)(A). As such, were the Office to treat the facsimile submission of May 5, 2009 as a provisional application, the result would remain the same.

Conclusion

This second petition under 37 C.F.R. § 1.183 is **DENIED**.[12]

Telephone inquiries regarding *this decision* should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.[13]

Charles Pearson
Director
Office of Petitions
United States Patent and Trademark Office

10 In re Dubost, 231 USPQ 887, 889 (Comm'r Pat. 1986). See also In re Harding et al., 211 USPQ 903, 905 (Comm'r Pat. 1980), *Ex parte Sassin*, 1906 Dec. Comm'r. Pat. 205, 206 (Comm'r Pat. 1906) and *compare Ziegler v. Baxter* v. Natta, 159 U.S.P.Q. 378, 379 (Comm'r Pat. 1968).
11 37 C.F.R. § 1.8(a)(2)(i)(A).
12 This decision is a final agency action within the meaning of 5 U.S.C. § 704 for the purposes of seeking judicial review. See MPEP § 1002.02.
13 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).

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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RESEARCH IN MOTION
ATTN : GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING TX 75039

MAILED

AUG 27 2009

OFFICE OF PETITIONS

In re Application of
Laura Doktorova et al
Application No. 12/455,454
Filed: June 2, 2009
Attorney Docket No. PAT 100874-2

DECISION DISMISSING
PETITION UNDER 37 CFR 1.10(c)

This is a decision on the petition filed June 25, 2009, which is properly treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be considered as filed on June 1, 2009 corresponding to the Express Mail label, instead of the currently accorded filing date of June 2, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of June 2, 2009.

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

(1) be 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) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and

(3) include a true copy of the "Express Mail" mailing label showing the "date in" or other official notation by the USPS.

This petition lacks item (3) above.

There is no date-in provided on the copy of the Express Mail label submitted with the instant petition. Additionally, the Office will not accept the date on the copy of the Track & Confirm because, "Processed through Sort Facility" is not the same as the "date-in" or an Acceptance date on the Track and Confirm. Petitioner may submit the Express Mail label showing the "date-in", or if the "date-in" was omitted or incorrectly entered by the USPS petitioner can petition under 37 CFR 1.10(d) and provide the showing required under 37 CFR 1.10(d).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
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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RESEARCH IN MOTION
ATTN : GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING TX 75039

COPY MAILED
JAN 28 2010

In re Application of	:	
Laura Doktorova et al	:	
Application No. 12/455,454	:	DECISION DISMISSING
Filed: June 2, 2009	:	PETITION UNDER 37 CFR 1.10(c)
Attorney Docket No. PAT 100874-2	:	

This is a decision on the renewed petition filed October 26, 2009, which is properly treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be considered as filed on June 1, 2009 corresponding to the Express Mail label, instead of the currently accorded filing date of June 2, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Patent Application Processing with the presently accorded filing date of June 2, 2009.

37 CFR 1.10(c) sets forth procedures for filing a petition to the Director for a filing date as of the date of deposit with the USPS, where there is a discrepancy between the filing date initially accorded by the Office and the "date in" entered by the USPS or other official USPS notation.

To be grantable, a petition must:

(1) be 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) include a showing that the number of the "Express Mail" mailing label was placed on each piece of correspondence prior to the original mailing; and

(3) include a true copy of the "Express Mail" mailing label showing the "date in" or other official notation by the USPS.

This petition lacks item (3) above.

The declaration submitted with the petition on October 26, 2009 and signed by the Postmaster reference Express Mail Label No. **EH 04757785 US**. However, the transmittal letter submitted upon filing of the above application on June 2, 2009; customer copy of Express Mail Label; copy of Track & Confirm and copy of USPTO return postcard, **all** reference Express Mail Label No. **EH 047577785 US**.

In view of the above the petition is dismissed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
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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MAR 09 2010

RESEARCH IN MOTION
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5000 RIVERSIDE DRIVE
IRVING TX 75039

In re Application of	:	
Laura Doktorova et al	:	
Application No. 12/455,454	:	DECISION GRANTING
Filed: June 1, 2009	:	PETITION
Attorney Docket No. PAT 100874-2	:	

This is a decision on the renewed petition, filed February 11, 2010, requesting that the above-identified application be accorded a filing date of June 1, 2009, rather than the presently accorded date of June 2, 2009. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on June 1, 2009. The evidence submitted with the above petition is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on June 1, 2009.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Patent Application Processing (OPAP) for correction of the filing date to **June 1, 2009**, and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3208. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4100.

/KOC/
Karen Creasy
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
www.uspto.gov

MAGDIEL S. DAVID
15750 NATOMA PASS RD.
PASO ROBLES, CA 93446

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Magdiel S. David et al :
Application No. 12/455,484 :
Filed: June 1, 2009 :
Attorney Docket No. :

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 June 1, 2009, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include the evidence, as indicated in MPEP § 708.02, Section III above, was provided to support the petition.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

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

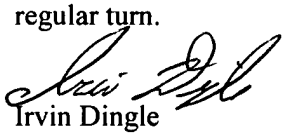
By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

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

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 1797 for action in its regular turn.



Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Howard Eisenberg, Esq.
1220 Limberlost Lane
Gladwyne, PA 19035

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OCT 2 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Yunik Chang et al.	:	
Application No. 12/455,525	:	DECISION ON PETITION
Filed: June 3, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 767.0134	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 22, 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 by applicant Yunik Chang that he/she is age 65 years or older. Accordingly, the above-identified application has been accorded "special" status.

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

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 1614 for action on the merits commensurate with this decision.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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KING PHARMACEUTICALS INC
400 CROSSING BOULEVARD
BRIDGEWATER NJ 08807

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Brinkman, et al. :
Application No. 12/455,571 : DECISION REFUSING STATUS
Filed: June 3, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. PAT-0002-US-CIP:
:

This is in response to petition under 37 CFR 1.47(a), filed August 12, 2009.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing

inventor. Rule 47 applicant has not met requirement (2) above.

Also with respect to requirement (2), petitioner has failed to submit an oath or declaration in compliance with 37 CFR 1.63. The declaration is not acceptable because it contains a non-initialed, non-dated alteration to the residence and mailing address of inventor Brinkman.[1] Regarding this, the Manual of Patent Examining Procedure states that it is "improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant." Furthermore, 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."[2]

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

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

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] "Any interlineation, erasure, cancellation or other alteration of the application papers...should be dated and initialed or signed by the applicant on the same sheet of paper." 37 CFR 1.52(c)(1).

[2] MPEP 605.04(a).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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KING PHARMACEUTICALS INC
400 CROSSING BOULEVARD
BRIDGEWATER NJ 08807

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OCT 3 0 2009

OFFICE OF PETITIONS

In re Application of	:	
Brinkman, et al.	:	
Application No. 12/455,571	:	DECISION ACCORDING STATUS
Filed: June 3, 2009	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. PAT-0002-US-CIP	:	
	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 9, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants filed a petition under 37 CFR 1.47(a) on August 12, 2009. However, the petition was dismissed in a decision mailed on September 28, 2009. The petition was dismissed because the declaration submitted with the petition contained a non-initialed, non-dated alteration to the residence and mailing address of inventor Brinkman.

With the instant renewed petition, applicants have submitted a proper 37 CFR 1.63 declaration.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address provided in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Group Art Unit 1612 for docketing and examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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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DAN RUTLEDGE
1006 WILLOWS TRACE DR
JOHNSON CITY TN 37601-9400

COPY MAILED

OCT 30 2009

OFFICE OF PETITIONS

In re Application of
Brinkman, et al.
Application No. 12/455,571
Filed: June 30, 2009

LETTER

Dear Mr. Rutledge:

You are named as a joint inventor in the above-identified United States patent reissue application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
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
www.uspto.gov

James Kristian Koch
1319 Stonebridge Way
Roseville CA 95661

MAILED

APR 07 2010

OFFICE OF PETITIONS

In re Application of :
James Kristian KOCH :
Application No. 12/455,733 : DECISION ON PETITION
Filed: June 6, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 001 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 28, 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/she 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 Olisa Anwah at (571) 272-6051 or in his 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 2829 for action on the merits commensurate with this decision.

David A. Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Jan-10

FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVENUE, SUITE 360
MISSION VIEJO CA 92691

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JAN 04 2010

In re Application of	:	
Martin Standing	:	DECISION ACCORDING STATUS
Application Number: 12/455738	:	UNDER 37 CFR 1.47(b)
Filing Date: 06/05/2009	:	
Attorney Docket Number: 0400392	:	

This is a decision in response to the petition filed on October 27, 2009 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed on June 5, 2009, without an executed oath or declaration. Accordingly, on June 29, 2009, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on October 27, 2009, the subject petition was filed, accompanied by the petition fee, surcharge, and a two (2)-month extension of time.

Petitioner asserts, via the declaration of registered patent practitioner Michael Farjami, that a copy of the application was sent by email to the non-signing inventor, but that the inventor sent back a return email stating "I do not feel that I should have further involvement with" the subject patent application. A copy of the email refusal to sign has been included.

Petitioner has also provided a copy of, *inter alia*, a document signed by the non-signing inventor and stating that in consideration of his employment with Rule 1.47(b) applicant, the inventor agrees to assign to the employer any inventions made during his employment along the lines or within the field of the Employer's business.

Lastly, petitioner has provided a declaration signed on behalf of the non-signing inventor by William Joseph Theising, Jr., Vice

President, Assistant General Counsel, and Assistant Secretary of International Rectifier Corporation, the Rule 1.47(b) applicant.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

It is noted that the declaration includes a mailing address as the "residence address of the inventor," but does not separately identify the residence and the mailing address of the non-signing inventor. While the declaration is accepted for purposes of the petition under 37 CFR 1.47(b), petitioners should note that 37 CFR 1.63(c)(1) requires that the oath or declaration identify the mailing address, and the residence if an inventor lives at a location which is different from where the inventor customarily receives mail. Accordingly, it is suggested that applicants file a properly-signed supplemental Application Data Sheet listing both the residence city and state or city and foreign country and the mailing address of the non-signing inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

/DWood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jan-10

Martin Standing
19 Barden Park Road
Tonbridge
Kent TN9 1XD
UNITED KINGDOM

COPY MAILED

JAN 04 2010

In re Application of
Martin Standing
Application No. 12/455,738
Filed: June 5, 2009
For: SEMICONDUCTOR DEVICE AND PASSIVE COMPONENT INTEGRATION IN A SEMICONDUCTOR PACKAGE

Dear Mr. Standing:

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

As the 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

FARJAMI & FARJAMI LLP
26522 LA ALAMEDA AVE, STE 360
MISSION VIEJO CA 92691

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

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NOV 23 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward LETTS et al	:	
Application No. 12/455,760	:	DECISION ON PETITION
Filed: June 4, 2009	:	TO WITHDRAW
Attorney Docket No. 621582000400	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed September 28, 2009.

The request is **NOT APPROVED**.

The Office will no longer approve 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.

A review of the file record indicates that Madeline I. Johnston 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 above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
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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VAN PELT, YI & YAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

MAILED

JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
Shih-Ming Shih et al :
Application No. 12/455,803 : DECISION ON PETITION
Filed: June 4, 2009 :
Attorney Docket No. LINKP003C1 :

This is a decision on the petition under 37 CFR 1.182, filed, April 12, 2010, to change the name of inventor "Kwoh Alfred Yeung" to – Kwok W. Yeung --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2112 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/455,803	06/04/2009	2112	1220	LINKP003C1	19	2

CONFIRMATION NO. 8232

CORRECTED FILING RECEIPT

21912
VAN PELT, YI & JAMES LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

Date Mailed: 06/15/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Shih-Ming Shih, San Jose, CA;
Kwok W. Yeung, Milpitas, CA;

Assignment For Published Patent Application

Link_A_Media Devices Corporation

Power of Attorney: The patent practitioners associated with Customer Number 21912

Domestic Priority data as claimed by applicant

This application is a CON of 11/274,924 11/14/2005 PAT 7,590,927

Foreign Applications

If Required, Foreign Filing License Granted: 06/18/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/455,803**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Soft output viterbi detector with error event output

Preliminary Class

714

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

COPY MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:
Neal King Rieffanaugh Jr.	:
Application No. 12/455,883	: DECISION DISMISSING
Filed: June 8, 2009	: PETITION
Attorney Docket No: USDP4271A-NKR	:

This is a decision on the "SUBMISSION OF REPLYING THE NOTICE OF OMITTED ITEMS IN A NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(B)", which was filed on July 29, 2009 and is being treated under 37 CFR 1.182.

On June 8, 2009 the application was filed. On June 30, 2009 however, the Office of Data Management mailed a Notice of Omitted Items stating that while the application had been accorded a filing date of June 8, 2009, it appeared that Figure(s) 9b, l0a, l0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a and 25b described in the specification, appeared to have been omitted from the application.

In response, petitioners argue that a complete application was present on June 8, 2009, and while petitioners request that the application be accorded the "date of deposit", a filing date of June 8, 2009, with Figure(s) 9b, l0a, l0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b as a part of the original disclosure, no corroborating evidence has been submitted.

The USPTO has a well-established and well-publicized practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503).

The petition is **DISMISSED**.

The copy of Figure(s) 9b, I0a, I0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioner may file Figure(s) 9b, I0a, I0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b as a preliminary amendment. If Figure(s) 9b, I0a, I0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b are filed as a preliminary amendment, the amendment will be reviewed for new matter.

As the evidence presented is not sufficient to prove that Figure(s) 9b, I0a, I0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b were filed with the application when filed, the evidence is insufficient to show that the error was committed by the USPTO and thus, the petition fee will not be refunded.

The application is being returned to the Office of Patent Application Processing for further processing with a filing date of June 8, 2009, using only the application papers filed on that date and not the copy of Figure(s) 9b, I0a, I0b, 17a, 21b, 21c, 21h, 22b, 24b, 24c, 25a, 25b submitted with the petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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.
12/455,883	06/08/2009	Neal King Rieffanaugh JR.	USDP4271A-NKR	8838

EXAMINER

7590 01/07/2010

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kalethia Buchanan

Patent Publication Branch
Office of Data Management

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.
12/455,883	06/08/2009	Neal King Rieffanaugh JR.	USDP4271A-NKR	8838

7590 01/07/2010

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

EXAMINER	
ART UNIT	PAPER NUMBER
2166	
MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Kalitus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2010 KKING1
06/10/2009 SDENBOB3 00000028 12455883
02 FC:2111 -270.00 OP

Repln. Ref: 01/07/2010 KKING1 0013294800
DAA:502111 Name/Number:12455883
FC: 9204 $270.00 CR

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CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO
5 BECKER FARM ROAD
ROSELAND NJ 07068

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Jonathan H. DINSMORE, et al	:	
Application No. 12/456,092	:	DECISION ON PETITION
Filed: June 11, 2009	:	TO WITHDRAW
Attorney Docket No. 489010.5	:	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 January 15, 2010.

The request is **NOT 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 cannot be approved because there is no indication that all of the acts noted in the above-identified certifications have been performed. The request does not clearly indicate whether all items above have been performed. Please see the attached Request for Withdrawal As Attorney or Agent (PTO/SB/83).

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 must clearly identify an address for future communications from the Office. The Office will only change the address to a law firm with a proper power of attorney, the first named inventor or an assignee who has properly be made of record according to 37 CFR 3.71.

Further, attorneys Grant, Stauffer, Hand and Toublefield are listed on the request to withdraw, however, these attorneys are not of record in this application. Attorneys Herron, Ferraro, Weiztman and Gilfillan III, were originally appointed in this application, however, the record is not clear as to status of these attorneys.

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

Attachment: Request for Withdrawal of Attorney or Agent

UNITED STATES PATENT AND TRADEMARK OFFICE

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KENNETH WATOV, ESQ.
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETON JUNCTION NJ 08550

MAILED

JUL 26 2010

OFFICE OF PETITIONS

In re Application of :
Robert L. ROMEREIN, et al :
Application No. 12/456,094 : DECISION ON PETITION
Filed: June 11, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 1212.1.037 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 28, 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 made by registered attorney Kenneth Watov, 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.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

The application is being forwarded to Technology Center Art Unit 3632 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TELSA MOTORS, INC
c/o PATENT LAW OFFICE OF DAVID G. BECK
P O BOX 1146
MILL VALLEY CA 94942

COPY MAILED
JAN 29 2010

In re Application of	:	
Scott Ira Kohn et al.	:	DECISION ON PETITION
Application No. 12/456,150	:	TO MAKE SPECIAL UNDER
Filed: June 12, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. TES021	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 14, 2009, 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 and 5 as explained below.

In regards to item 1, Petitioner should note that this application has been classified in an area (USPC 429/056) 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, it is noted that the instant invention relates to "**CELL CAP ASSEMBLY WITH RECESSED TERMINAL AND ENLARGED INSULATING GASKET**." In the statement accompanying the instant petition, petitioner states that in addition to being eligible for consideration as materially enhancing the environmental quality standard by contributing to the development of renewable energy resources or energy conservation. However, from the claimed invention it is not clear how the instant invention contributes materially to enhancing the quality of the environment, or has improved energy efficiency, when compared with available alternatives. The instant petition fails to explain how the instant invention that is directed to a new battery design for cap assembly of an 18650 form-factor battery will further contribute in a significant, substantial or noticeable manner to contribute to "the reduction in energy consumption via combustion system, and thereby reducing green house gas emission," as disclosed in the statement accompanying the instant petition. Accordingly, it is unclear as to how the claimed invention would materially contribute under category (A) or (B).

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 Tammara Peyton 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 Art Unit 1795 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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ZUBER & TAILLIEU LLP
10866 WILSHIRE BLVD., SUITE 300
LOS ANGELES CA 90024

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Michael J. Parrella	:	
Application No. 12/456,434	:	DECISION ON PETITION
Filed: June 15, 2009	:	TO WITHDRAW
Attorney Docket No. **1151-1002**	:	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 9, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Spyros J. Lazaris associated with Customer Number 73276 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

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 JoAnne Burke at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

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JUL 31 2009

OFFICE OF PETITIONS

In re Application of :
Sal Falciglia Sr. :
Application No. 12/456,565 : DECISION ON PETITION
Filed: June 17, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. SLINGO.0001P : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 17, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 3714 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 07 2010

In re Application of :
Anthony C. Bonora, Joseph Fatula :
Roumen Iliev Deyanov, Hiroshi Ito :
and Roger G. Hine : DECISION REFUSING STATUS
Application No. 12/456,645 : UNDER 37 CFR 1.47(b)
Filed: June 19, 2009 :
Attorney Docket No. ASTGP180 :

This is a decision on the petition, filed October 29, 2009, under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 19, 2009, without an executed oath or declaration. Accordingly, on July 13, 2009, a "Notice to File Missing Parts of Nonprovisional Application," was mailed, requiring an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). On October 29, 2009, rule 47 applicant timely filed the instant petition, along with payment of the requisite extension fee, petition fee and the late surcharge.

A grantable petition under 37 CFR 1.47(b) requires:

> (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest, and (6) proof of irreparable damage.

Application lacks items (1), (2) and (6).

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventors, such that a declaration can be accepted under 37 CFR 1.47(b). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor(s).

Petitioner has not demonstrated that all efforts were expended in trying to locate the non-signing inventors. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the inventors last known address. Therefore, at the very least, petitioner should mail correspondence to the inventors' last known address (typically a residence address), return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to each inventor's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed,**

where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration of October 29, 2009 does not set forth each inventors name, residence, citizenship and post office address. A signed declaration in compliance with 37 CFR 1.63 and 1.64 must be made by the 37 CFR 1.47(b) applicant. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. 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.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: CHRISTINA V. MC DONOUGH
FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON, MA 02110

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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MELVIN K. SILVERMAN AND ASSOCS PC
500 WEST CYPRESS CREEK ROAD
SUITE 350
FT. LAUDERDALE FL 33309

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JAN 27 2010

In re Application of	:	
Weinstock, Ronald J.	:	DECISION ON PETITION
Application No. 12/456,657	:	TO WITHDRAW
Filed: June 19, 2009	:	FROM RECORD
Attorney Docket No. 3412.004	:	

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 23, 2009.

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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified or a proper Request to Withdraw has been submitted.

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

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ONE FINANCIAL CENTER
BOSTON, MA 02111

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JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Gerald J.Sanders, et. al. :
Application No. 12/456,666 : DECISION ON PETITION
Filed: June 19, 2009 : TO WITHDRAW FROM
Attorney Docket No. 36908-522001US : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 12, 2010.

The request is **APPROVED**.

The request was signed by Brian P. Hopkins/Boris A. Matvenko on behalf of himself and all attorneys/agents and associated with Customer No. 35437. Therefore, Brian P. Hopkins/Boris A. Matvenko on behalf of himself and all attorneys/agents and associated with Customer No. 35437 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 3739 for examination in due course.

All future communications from the Office will be directed to the first named signing inventor at 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: Gerald J. Sanders – CEO
FemSuite LLC
19991 7th Street East
Sonoma, CA 95476

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Timothy E Siegel Patent Law, PLLC
777 108th Avenue, Suite 2240
Bellevue WA 98004-5178

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JUL 16 2010

OFFICE OF PETITIONS

In re Application of :
Larry C. Papadopoulos :
Application No. 12/456,728 : DECISION ON PETITION
Filed: June 22, 2009 :
Attorney Docket No. BCI.003.C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2010. A Notice of Abandonment was mailed on April 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

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

This application is being referred to Technology Center AU 3764 for appropriate action by the Examiner in the normal course of business on the reply received May 4, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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KEITH B. WILLHELM, ATTORNEY AT LAW
6266 DEL MONTE
HOUSTON TX 77057

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JUL 20 2009

OFFICE OF PETITIONS

In re Application of :
Wood :
Application No. 12/456,734 :
Filed: June 22, 2009 :
Attorney Docket No. JROB:019 :
For: METHODS OF ENHANCING SEPARATION OF PRIMARY REFLECTION SIGNALS AND NOISE IN SEISMIC DATA USING RADON TRANSFORMATIONS

ON PETITION

This is in response to the petition under 37 CFR 1.47(b), filed June 22, 2009.

The petition is **GRANTED.**

Petitioner has submitted a copy of the declaration filed in Application No. 10/238,366. It is noted that this application is a divisional of Application No. 11/075,326 , which is a continuation of Application No. 10/238,366. Petitioner has filed a copy of a decision, mailed on February 19, 2003, granting Rule § 1.47 status in Application No. 10/238,366.

Pursuant to 37 CFR 1.63(d), petitioner has obtained Rule § 1.47 status in the present "grand child" application.

The Office will not forward notice of this application's filing to the non-signing inventor because notice regarding the filing of the previous application has been attempted.

After the mailing of this decision, the application will be forwarded to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272- 3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEP 16 2009

KEITH B. WILLHELM, ATTORNEY AT LAW
6266 DEL MONTE
HOUSTON,TX 77057

In re Application of Lawrence C. Wood Application No. 12/456734 Filed: June 22, 2009 For: METHODS OF ENHANCING SEPARATION OF PRIMARY REFLECTION SIGNALS AND NOISE IN SIESMIC DATA USING RADON TRANSFORMATIONS	:	PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS

This is a decision on applicant's petition under 37 CFR 1.184(A)(2) filed June 22, 2009 to accept color drawings/photographs.

For the acceptance of color drawings in accordance with 37 CFR 1.184(A)(2), a petition is required which fulfills the following requirements:

(i) The appropriate fee set forth in 1.17(h),
(ii) three (3) sets of color drawings/photographs, and
(iii) amending the specification to contain the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings: "The file of this patent contains at least one drawing executed in color photography. Copies of this patent with color photographs will be provided by the Patent and Trademark Office upon request and payment of necessary fee."

Having met the requirements of 37 CFR 1.184(A)(2), the petition is **GRANTED**.

Any questions or comments with respect to the decision should be forwarded to Supervisory Patent Examiner, Jack Keith at the number listed below.

Jack Keith
Supervisory Patent Examiner
Art Unit 3663
(571) 272-6878

jwk: 9/16/09

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12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

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JAN 29 2010

In re Application of	:	
Takahiro Kitajima et al.	:	DECISION REFUSING STATUS
Application No. 12/457,005	:	UNDER 37 CFR 1.47(a)
Filed: May 28, 2009	:	
Attorney Docket No. 26B-155	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 13, 2009.

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Kitajima, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing inventor. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Kitajima's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Kitajima's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further as to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Kitajima was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the non-signing inventor was presented with only a copy of the declaration. If the non-signing inventor was not presented with a copy of the application papers for this application, then the inventor could not attest that he had "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. Did the joint inventor receive a copy of the application papers?

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

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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Application of	:	
Takahiro Kitajima et al.	:	DECISION NOTING JOINDER OF
Application No. 12/457,005	:	INVENTOR AND PETITION
Filed: May 28, 2009	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 26B-155	:	

Papers filed on March 29, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed January 29, 2010, included a Declaration signed by all three co-inventors including the previously non-signing inventor, Takahiro Kitajima. , in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,197	06/03/2009	Hiroshi Kawauchi	140978	7926

7590 07/07/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
HERNDON, HEATHER R	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
07/07/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries 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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CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Delores A. Benzie	:	
Application No. 12/457,241	:	DECISION ON PETITION
Filed: June 4, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30620.00	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 from the applicant declaring that she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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 3782 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

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NOV 2 7 2009

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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	:	
Shinya Yamanaka	:	DECISION ON REQUEST TO
Application No. 12/457,356	:	PARTICIPATE IN PATENT
Filed: 06/09/2009	:	PROSECUTION HIGHWAY
Attorney Docket No. P36675	:	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 14, 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 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.

/Ram R. Shukla/

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

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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AUG 24 2009

OFFICE OF PETITIONS

In re Application of	:	
Yves-Julien Lambert	:	
Application No. 12/457409	:	
Filing or 371(c) Date: 06/10/2009	:	
Attorney Docket Number:	:	DECISION
LCM-4702-152	:	ON PETITION

This is a decision in response to the "Petition," filed July 21, 2009, requesting that the Office accord the application a filing date of June 10, 2009. The petition is properly treated under 37 CFR 1.182. See, MPEP 201.06(c).

The petition is dismissed.

The application was filed on June 10, 2009. On July 1, 2009, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application was deposited without drawings.

Applicant responds with the present petition and two sheets of drawings, and provides that the present application is a divisional application, which incorporated by reference in the Preliminary Amendment filed with the application papers on June 10, 2009, the entire contents of parent application Serial No. 10/519,789, filed December 29, 2004.

Incorporation by reference

The MPEP provides:

> In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the

> continuation or divisional application based upon the incorporation by reference statement, is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application.

MPEP 201.06(c).

A review of the application file reveals that the application incorporated by reference the entire contents of application no. 10/519,789, filed December 29, 2004. A review of application no. 10/519,789, reveals that the application contains drawings.

However, while a review of the petition papers reveals that Applicant has submitted drawings with the present petition, Applicant has failed to file an "an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement."

Before the petition may be granted, an amendment as set forth in the MPEP 201.06(c) is required.

The petition is dismissed without prejudice. Applicant should file a request for reconsideration of petition and include the amendment to the application.

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

By mail:	Director for Patents PO Box 1450 Alexandria, VA 22313-1450
By FAX:	(571) 273-8300 Attn: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
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
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

COPY MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Yves-Julien Lambert	:	
Application No. 12/457409	:	
Filing or 371(c) Date: 06/10/2009	:	
Attorney Docket Number:	:	DECISION
LCM-4702-152	:	ON PETITION

This is a decision in response to the "Request for Reconsideration of Petition," filed September 1, 2009, requesting that the Office accord the application a filing date of June 10, 2009. The petition is properly treated under 37 CFR 1.182. See, MPEP 201.06(c).

The petition is granted to the extent indicated herein.

Background

The application was filed on June 10, 2009. On July 1, 2009, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice"), informing Applicant that the application had NOT been accorded a filing date because the application was deposited without drawings.

Applicant filed a petition on July 21, 2009 and included two sheets of drawings, and provided that the present application is a divisional application, which incorporated by reference in the Preliminary Amendment filed with the application papers on June 10, 2009, the entire contents of parent application Serial No. 10/519,789, filed December 29, 2004.

The petition was dismissed in a Decision mailed August 24, 2009. The Decision dismissing the petition required an amendment as set forth in the MPEP 201.06(c).

The present renewed petition

Applicant files the present request for reconsideration of petition and includes an Amendment to add the drawings.

Incorporation by reference

A review of the application file reveals that the application incorporated by reference the entire content of prior application no. 10/519,789. A review of application no. 10/519,789 reveals that the application contains drawings. Therefore, based upon applicant's incorporation by reference of the contents of prior application no. 10/519,789 on filing of the present application, a filing date of June 10,, 2009 may be accorded the present application. Receipt of the amendment is hereby acknowledged. The Examiner will address any issues of new matter.

Conclusion

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of June 10, 2009, using the application papers present on that date, and for the mailing of a Corrected Filing Receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571-272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
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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THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

MAILED

MAR 10 2010

OFFICE OF PETITIONS

In re Application of :
Ju Young LEE, et al :
Application No. 12/457,479 : DECISION ON PETITION
Filed: June 11, 2009 : TO WITHDRAW
Attorney Docket No. 40570XX : 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 January 6, 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 does not include an acceptable change of address for future communications from the Office. The assignee indicated on the request has not been properly made of record under 37 CFR 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a 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 above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

MAILED

JUL 13 2010

DIRECTOR OFFICE
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

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of: YI, SEUNG-JUNE et al.
Application No. 12457651
Filed: June 17, 2009
For: METHOD FOR TRANSMITTING MAC PDUS

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 July 8, 2010, 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);.

The request to participate in the PPH program and petition are 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/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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.
12/457,651	06/17/2009	Seung-June YI	8737.195.00	2400

30827 7590 07/13/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
YAO, KWANG BIN	
ART UNIT	**PAPER NUMBER**
2473	

MAIL DATE	DELIVERY MODE
07/13/2010	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

KUBOTERA & ASSOCIATES, LLC
SUITE 202
200 DAINGERFIELD ROAD
ALEXANDRIA, VA 22314

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AUG 0 3 2009

OFFICE OF PETITIONS

In re Application of :
Shuhei Oda :
Application No. 12/457,678 : DECISION ON PETITION
Filed: June 18, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. KF-1029 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 18, 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 **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.

The instant petition does not include a statement by the applicant (Shuhei Oda) nor any other evidence, as indicated in MPEP § 708.02, Section IV above, were provided to support the petition.

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 Irvin Dingle at 571-272-3210.

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 1797 for action in its regular turn.

Irvin Dingle
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
www.uspto.gov

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OCT 13 2009

OFFICE OF PETITIONS

KUBOTERA & ASSOCIATES, LLC
SUITE 202
200 DAINGERFIELD ROAD
ALEXANDRIA, VA 22314

In re Application of :
Shuhei Oda :
Application No. 12/457,678 : DECISION ON PETITION
Filed: June 18, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. KF-1029 : 37 CFR 1.102(c)(1)
:

This is a supplemental decision on the petition under 37 CFR 1.102(c)(1), filed August 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 **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.

The instant petition does not include a statement by the applicant (Shuhei Oda) or any other evidence, as indicated in MPEP § 708.02, Section IV above, were provided to support the petition.

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 Irvin Dingle at 571-272-3210.

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 3753 for action in its regular turn.

Irvin Dingle
Petitions Examiner
Office of Petitions

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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KUBOTERA & ASSOCIATES, LLC
200 DAINGERFIELD RD
SUITE 202
ALEXANDRIA, VA 22314

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NOV 19 2009

OFFICE OF PETITIONS

In re Application of
Shuhei Oda
Application No. 12/457,678
Filed: June 18, 2009
Attorney Docket No. KF-1029

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 October 22, 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 from a registered practitioner that he has evidence that inventor Shuhei Oda is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. 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 3753 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

MAILED OCT 02 2009

Clarence E. Frye
301 Moore Dr.
Blountville TN 37617

In re Application of: Clarence E. Frye Application No.: 12/457797 Filed: June 22, 2009 Title: HYDRO-ACTUATED ENGINE	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on June 22, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) for at least the reason that it was not filed using the USPTO's electronic filing system

(EFS), or EFS-web and that is was not complete as evidenced by the Notice of missing parts mailed on July 15, 2009.

The petition appears on its face to be filed without recognition of the August 25, 2006 policy change to the petition to make special program. Petitioner should refer to Federal Register on June 26, 2006 (71 Fed. Reg. 36323) and MPEP 708.02 for additional guidance on the requirements of a grantable petition. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda J. Sholl, Special Program Examiner, at (571) 272-4391.

Linda J. Sholl

Linda J. Sholl, Special Program Examiner
Technology Center 3700

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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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

MAILED

AUG 14 2009

OFFICE OF PETITIONS

In re Application of :
John J. Mcallister, et al. :
Application No. 12/457,850 : DECISION ON PETITION
Filed: June 23, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 30239.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 23, 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 from the first named inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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.

Terri Williams
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/457,881	06/24/2009	John H. Boswell	141983	1074

7590 04/09/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LIN, KUANG Y

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
04/09/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

[illegible]

Adjustment date: 04/09/2010 [illegible]
[illegible]
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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.
12/458,157	07/01/2009	Hirofumi Koda	48487-0005-01-US (440533)	2071

55694 7590 01/08/2010

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
LEITH, PATRICIA A	

ART UNIT	PAPER NUMBER
1655	

MAIL DATE	DELIVERY MODE
01/08/2010	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

Applicant: Koda et al.
Appl. No.: 12/458,157
Filing Date: July 1, 2009
Title: PERIPHERAL BLOOD FLOW-IMPROVING COMPOSITION
Attorney Docket No.: 48487-0005-01-US (440533)
Pub. No.: US 2009/0269424 A1
Pub. Date: October 29, 2009

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 29, 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.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 01/11/2010 KKING1
12730/2009 INTEFSW 00002326 12458157
01 FC:1504 -300.00 DP

Refund Ref:
01/11/2010 0030078685

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1005

UNITED STATES PATENT AND TRADEMARK OFFICE

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COPY MAILED

Paper No.

SEP 30 2009

OFFICE OF PETITIONS

Reed Smith LLP
Suite 1400
3110 Fairview Park Drive
Falls Church VA 22042-0681

In re Application of	:	
Matsumoto et al.	:	DECISION ON PETITION
Application No. 12/458,222	:	PURSUANT TO
Filed: July 6, 2009	:	37 C.F.R. § 1.182
Attorney Docket No. HIRA.0312	:	
Title: DATA INPUT SUPPORT SYSTEM FOR GENE ANALYSIS	:	

This is a decision on the "PETITION SUBMITTED WITH RESPONSE TO NOTICE OF OMITTED ITEMS," filed August 20, 2009. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182, requesting that the above-referenced application be accorded a filing date of July 6, 2009, including Figures 29-31 that were omitted on filing.

The petition is **DISMISSED as unnecessary**.

Application papers in the above-identified application were deposited on July 6, 2009. However, on July 28, 2009, the Office of Data Management mailed Applicant a "Notice of Omitted Item(s) in a Nonprovisional Application," notifying Applicant that the application papers had been accorded a filing date, and that the application appeared to have been deposited without Figures 29-31.

In response, on August 20, 2009, Applicant filed this petition. Petitioner has included, *inter alia*, a portion of the petition fee[1] and a set of replacement drawings containing Figures 29-31.

Petitioner has filed this petition, seeking the entry of Figures 29-31, and has requested that they be accorded a filing date of July 6, 2009, as part of the original disclosure. Petitioner has implied that these figures were constructively included on

[1] Petitioner included $130, when $400 is due. The $130 payment will be refunded to Petitioner's credit card and $400 will be charged to Petitioner's deposit account in due course, as authorized on page 2 of this petition.

filing, due to the fact that the contents of a prior-filed application were explicitly incorporated by reference on initial deposit.

However, Petitioner is advised that a petition is not necessary in this instance to add the omitted figure.

Rule 1.182 provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s). However, where a filing date has been accorded to an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). MPEP § 201.06(IV)(B) sets forth, *in pertinent part*:

> If an application as originally filed included a proper explicit incorporation by reference statement (or an explicit incorporation by reference statement that has been made effective under 37 CFR 1.57(g)), the omitted specification page(s) and/or drawing figure(s) may be added by amendment provided the omitted item(s) contains only subject matter in common with a document that has been properly incorporated by reference. If the Office identified the omitted item(s) in a "Notice of Omitted Item(s)," applicant need not respond to the "Notice of Omitted Item(s)." Applicant should, however, submit the amendment adding the omitted material prior to the first Office action to avoid delays in the prosecution of the application. See MPEP § 601.01(d) and § 601.01(g).

Since the present application has been accorded a filing date, it follows that the present petition must be dismissed as unnecessary.

The application has been accorded a filing date of July 6, 2009. However, the replacement drawings (including Figures 29-31), submitted with the present petition, will not be entered at the present time. If Petitioner desires for the Examiner to consider the missing figures that were not submitted as part of the original disclosure, then Petitioner may submit these figures via an amendment pursuant to MPEP § 201.06(IV)(B), and without a petition. Any such amendment will, of course, be reviewed by the examiner for new matter.[2] The amendment is not new matter if the substance was a part of the disclosure of prior application 11/593,171, which has been incorporated by reference, and to which priority has been claimed.

---

[2] See MPEP § 608.02(a).

The original application papers will include only those application papers present on the date of deposit.

The petition fee of $400 will not be refunded, as this petition was not necessitated by any error on the part of the Office.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing with a filing date of July 6, 2009, using only the application papers filed on that date.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the

undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: Stites & Harbison, PLLC
1199 N. Fairfax Street, Suite 900
Alexandria, Virginia 22314

[3] 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 any further action(s) of Petitioner.

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.
12/458,255	07/07/2009	Gi-Young Kim	301/131	6173

7590 07/23/2010

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042

EXAMINER	
PATEL, VIP	

ART UNIT	PAPER NUMBER
2889	

MAIL DATE	DELIVERY MODE
07/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Refund Ref:

Adjustment date: 07/23/2010

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

HOFFMAN, WASSON & GITLER, P.C.
SUITE 522
2461 SOUTH CLARK STREET
ARLINGTON VA 22202

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Arthur Vanmoor	:	DECISION ON PETITION
Application No. 12/458,267	:	TO WITHDRAW
Filed: July 7, 2009	:	FROM RECORD
Attorney Docket No. A-11297.CIP	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 16, 2010.

The request is **NOT 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 request was signed by Martin P. Hoffman on behalf of all attorneys of record associated with Customer Number 20741. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

Further, the Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on June 16, 2010 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, 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, 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 replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

Dowell & Dowell, P.C.
Suite 309
1215 Jefferson Davis Hwy
Arlington VA 22202-3124

MAR - 3 2003

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FEB 2 8 2003

OFFICE OF PETITIONS

In re Application of
Vanstone, et al.
Application No. 10/185,735
Filed: July 1, 2002
Attorney Docket No. 14047 CIP
For: STRENGTHENED PUBLIC KEY PROTOCOL

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed December 24, 2002.

The petition is granted.

Petitioners have shown that non-signing inventors Minghua Qu and Donald B. Johnson have constructively refused to join in the filing of the above-identified application. Specifically, the declaration of John Goyo, a patent coordinator working for the former employer of the non-signing inventors, establishes that the inventors were mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that they sign and return the declaration. Mr. Johnson received multiple copies of the application and declaration and did not return a signed declaration. Mr. Qu's last known address was confirmed by his acceptance of a registered letter informing him that a copy of the application and a declaration for his signature would be forthcoming. Mr. Qu did not pick up two subsequent mailings that contained the application and declaration. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

MINGHUA QU
5495 MIDDLEBURY DRIVE
MISSISSUGA, ONTARIO
L5M 5G7
CANADA

COPY MAILED

FEB 2 8 2003

OFFICE OF PETITIONS

In re Application of
Vanstone, et al.
Application No. 10/185,735
Filed: July 1, 2002
Attorney Docket No. 14047 CIP
For: STRENGTHENED PUBLIC KEY PROTOCOL

LETTER

MAR - 3 2003

Dear Mr. Qu:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Dowell & Dowell, P.C.
Suite 309
1215 Jefferson Davis Hwy
Arlington VA 22202-3124

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

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FEB 2 8 2003

OFFICE OF PETITIONS

DONALD B. JOHNSON
10160 CHINKAPIN DRIVE
MANASSAS VA 20111

In re Application of
Vanstone, et al.
Application No. 10/185,735
Filed: July 1, 2002
Attorney Docket No. 14047 CIP
For: STRENGTHENED PUBLIC KEY PROTOCOL

LETTER

MAR - 3 2003

Dear Mr. Johnson:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Dowell & Dowell, P.C.
Suite 309
1215 Jefferson Davis Hwy
Arlington VA 22202-3124

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

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AUG 2 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 12/458703	:	DECISION DISMISSING
Filing or 371(c) Date: 07/21/2009	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(b)
METHOD OF FABRICATING VERTICAL STRUCTURE LEDS	:	

This is in response to the Petition Under 37 CFR § 1.47(b), filed July 21, 2009, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed July 21, 2009, and included the present petition, and an oath or declaration executed by Mark Kresloff on behalf of the assignee.

Applicant files the present petition and, in relevant part, provides that a Declaration and Power of Attorney only were sent to inventors In-Kwon Jeong and Jong-Lam Lee. Further as to inventor Lee, Applicant conducted an internet search; however, no copies of the search have been provided with the petition.

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known

address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks item (1) as set forth above.

As to item (1), there are two separate and distinct situations under rule 47(b), the first is where an inventor cannot be reached, wherein the MPEP provides as follows:

> INVENTOR CANNOT BE REACHED
> 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.
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.
> 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.

At the very least, an Internet search, or a search of telephone directories should be undertaken of the regions where it is suspected the non-signing inventor may reside. Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. *See*, MPEP § 409.03(d).

The second situation is where an inventor refuses to join in the application. The MPEP provides as follows:

> REFUSAL TO JOIN
> 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. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the

oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. 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 that conclusion is based should be stated in the 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 in 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.

MPEP 409.03.

Where the whereabouts of the nonsigning inventor(s) are know, Applicant must send a copy of the application to the inventor at his or her last known address.

Analysis

Applicant should mail a copy of the application to the inventors at their last known mailing address. Applicant is cautioned where an application is sent via email, confirmation of receipt of the application from the inventor is required. While receipt of an email may be confirmed by the sender, receipt of an email attachment in a readable form may not be confirmed by the sender. Applicant is advised to mail the application (specification, claims and drawings), to the last known address of the inventors. That address should be the last known address at which the inventor customarily receives mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Conclusion

The petition is dismissed without prejudice. Applicant should mail the application (specification, claims and drawings), to the last known address of the inventors, and file a request for reconsideration of petition

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

By mail: Mail Stop PETITIONS
Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
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
www.uspto.gov

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DEC 07 2009

OFFICE OF PETITIONS

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of :
Lee et al. :
Application No. 12/458703 : DECISION ON
Filing or 371(c) Date: 07/21/2009 : PETITION UNDER
Title of Invention: : 37 CFR 1.47(b)
METHOD OF FABRICATING VERTICAL :
STRUCTURE LEDS

This is in response to the request for Reconsideration Petition Under 37 CFR § 1.47(b), filed October 23, 2009, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

As provided in 37 CFR 1.63(d)

> (1) A newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application, provided that:
> (i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
> (ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
> (iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
> (iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
> (2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.
> (3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
> (i) A copy of the decision granting a petition to accord § 1.47 status to

the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.63(d). This application is hereby accorded Rule 1.47(b) status. The Office will dispense with the Notice to the nonsigning inventor and the announcement in the Official Gazette.[1].

The application file is being referred to Technology Center Art Unit 2628 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

[1] See 37 CFR 1.47(c) and MPEP 201.06(c).

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P.O. Box 1450
Alexandria, VA 22313-1450
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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

MAILED

JUL 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Motoyuki Ohtake	:	
Application No. 12/458,708	:	DECISION GRANTING PETITION
Filed: August 21, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SON-4283	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed July 12, 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 June 18, 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 regarding 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.

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.

/AMW/
April M. Wise
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.*

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 07/12/2010

Applicant	: Shao-Tsu Chang	: DECISION ON REQUEST FOR
Patent Number	: 7637848	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 12/458,744	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/22/2009	: 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.

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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JUN 25 2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

In re application of
Kiyoe Ochiai et al.
Application No. 12/458,824
Filed: July 23, 2009
For: VEHICLE CONTROL SYSTEM

: 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 May 18, 2010, 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 the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request 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 filed concurrently with the petition, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

The application will be forwarded to the examiner of record for action commensurate with this decision.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 06/25/10

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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.
12/459,023	06/25/2009	Shintaro Honjo	OKUYAM 3.0-008 DIV	5204

530 7590 03/16/2010

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
TAKEUCHI, YOSHITOSHI	
ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
03/16/2010	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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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAR 16 2010

In re Application of	:	
Honjo et al.	:	DECISION ON PETITION
Application No. 12/459,023	:	TO MAKE SPECIAL UNDER
Filed: 6/25/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **OKUYAM 3.0-008 DIV**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/2/2010, 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 423/210.000) 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.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1793 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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AUG 0 4 2009

OFFICE OF PETITIONS

Frank J. Bonini, Jr.
Harding, Earley, Follmer & Frailey
P.O. Box 750
Valley Forge PA 19482-0750

In re Application of :
Peter Michael Weinstein et al. :
Application No. 12/459,085 : DECISION ON PETITION
Filed: June 26, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. B-7396 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 26, 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 by applicant Peter Michael Weinstein. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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 3617 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

James M. Powers
3 Santa Lucia Avenue
Ormond Beach FL 32174

In re Application of :
James M. Powers :
Application No. 12/459,237 : DECISION ON PETITION
Filed: June 29, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 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 copy of the applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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 3671 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,278	06/29/2009	Koen Kas	2887-7629.1US	5998

24247 7590 12/16/2009

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

EXAMINER	
KINGAN, TIMOTHY G	
ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
12/16/2009	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):

USPTOMail@traskbritt.com

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wk

Mailed: 12/16/09

In re application of
Kas et al.
Serial No. 12/459,278
Filed: 06/29/2009
For: Peptide Combos And Their Uses

DECISION ON
PETITION

This is a decision on a PETITION filed October 30, 2009, 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 Declaration filed in Response to Notice to file Missing Parts filed on October 6, 2009 be expunged as if was not part of the official response. Each of the criteria for granting the request has been satisfied, see the MPEP 724.05.

The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

The images will be removed from the Official file.

/JACQUELINE STONE/

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Allen C. Turner
TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

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Leo G. Lenna
Momentive Performance Materials Inc.
c/o DILWORTH & BARRESE, LLP
1000 Woodbury Road, Suite 405
Woodbury NY 11797

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MAR 0 8 2010

OFFICE OF PETITIONS

In re Application of :
Larry A. Divins et al :
Application No. 12/459,315 : RESPONSE TO PETITION
Filed: June 30, 2009 :
Attorney Docket No. 1302-638 (5071934-2) :

This is a response to the petition under 37 CFR 1.59(b), filed October 30, 2009, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the Information Disclosure Statement filed October 9, 2009 be expunged from the record.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

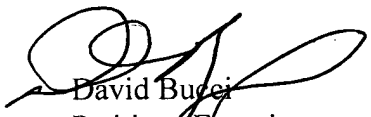
During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant(s) or applicant(s)' representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the**

present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.

The application is being referred to Technology Center AU 1621.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.



David Bucei
Petitions Examiner
Office of Petitions

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WEAVER AUSTIN VILLENEUVE & SAMPSON LLP - IGT
ATTN: IGT
P.O. BOX 70250
OAKLAND, CA 94612-0250

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OFFICE OF PETITIONS

In re Application of :
Joseph R. Hedrick, et al. :
Application Number: 12/459,355 : DECISION ON PETITION
Filed: June 29, 2009 :
Attorney Docket No.: :
IGT1P006C1R1C1/P000161052 :

This is a decision on the petition styled under 37 CFR 1.181, filed on August 26, 2009, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including 14 pages of specification, be accorded a filing date of June 29, 2009.

The petition is **GRANTED**.

On June 29, 2009, the application was filed.

On July 24, 2009, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the specification was missing. The Notice stated that the filing date would be the date of receipt of a complete specification as prescribed by 35 U.S.C. 112.

In response, on August 26, 2009, petitioners filed the present petition, accompanied by a copy of an itemized return receipt postcard and a copy of, *inter alia*, 14 pages of specification, including the claims and an abstract.

Petitioners argue that 14 pages of specification were filed with the other application papers on June 29, 2009, but "were either not scanned (Specification, Abstract, Drawings) into the image file wrapper or were improperly labeled (Preliminary Amendment and Declaration)." In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office" stamp date of "062909". The postcard identifies the application by the first named inventor's name,

invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, NEW APPLICATION (specification, claims, abstract 14 pages). Petitioners request that the application, including the 14 pages containing the specification, including the claims and the abstract, be accorded a filing date of June 29, 2009.

A review of the record reveals that no (0) pages of specification received on June 29, 2009, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on June 29, 2009, included 14 pages of specification, including the claims and the abstract, which were subsequently misplaced in the Office. Therefore, the application, including 14 pages of specification, including the claims and the abstract, is entitled to a filing date of June 29, 2009.

In view of the above, the petition is granted. No petition fee is due. The petition fee will be refunded to counsel's deposit account in due course.

The application will be processed with the copy of the 14 pages of specification, including the claims and the abstract, supplied on August 26, 2009, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of June 29, 2009, using the application papers filed on that date, and the copy of 14 pages specification, including the claims and the abstract, supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 571-272-3204.

Sherry Brinkley
Petitions Examiner
Office of Petitions

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DAN M. DELA ROSA, ESQ.
SUITE 24C
300 EAST 77TH STREET
NEW YORK NY 10075

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JAN 04 2010

In re Application of :
Jerry Rayborn Sr. et al :
Application No. 12/459,480 : DECISION ON PETITION
Filed: July 02, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **P-0196US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 26, 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 by Jerry Rayborn, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing for processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,685	07/06/2009	David Kurt Neumann	NSG004	8931

25235 7590 02/16/2010

HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER, CO 80202

EXAMINER	
ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
02/16/2010	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):

patentcolorado@hhlaw.com

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER CO 80202

FEB 16 2010

In re Application of :
Neumann et al. : DECISION ON PETITION
Application No. 12/459,685 : TO MAKE SPECIAL UNDER
Filed: 7/6/2009 : THE GREEN TECHNOLOGY
Attorney Docket No. **NSG004** : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/23/2009, 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.

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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/459,721	07/07/2009	Weston Arthur Hermann	TES021CP	7449

87872 7590 02/16/2010

Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley, CA 94942

EXAMINER	
DAVIS, PATRICIA A	

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/16/2010	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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Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley CA 94942

FEB 16 2010

In re Application of	:	
Hermann et al.	:	DECISION ON PETITION
Application No. 12/459,721	:	TO MAKE SPECIAL UNDER
Filed: 7/7/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **TES021CP**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/14/2009, 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 429/056.000) 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.

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 Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

MARCUS G THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY UT 84102

MAILED

OCT 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard W. Schanz	:	
Application No. 12/459,880	:	ON PETITION
Filed: July 9, 2009	:	
Attorney Docket No. Hearing Aid CIP	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 5, 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 by the applicant that he is 65 years of age, and is also accompanied with a copy of applicant's Utah driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned 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 2614 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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

Thomas G. Ference
38 Thasha Lane #C6
Essex Junction VT 05452

MAILED

SEP 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Raymond Keith Johnson, Sr., et al.	:	
Application No. 12/459,927	:	DECISION ON PETITION
Filed: July 9, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. JOHNS-NON-03	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 9, 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 copy of the first named inventor's birth certificate proving that he is 65 years of age older. Accordingly, the above-identified application has been accorded "special" status.

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

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 3677 for action on the merits commensurate with this decision.

Terri Johnson
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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PATENT DEPARTMENT
MACROVISION CORPORATION
2830 DE LA CRUZ BLVD.
SANTA CLARA CA 95050

COPY MAILED

DEC 0 7 2009

OFFICE OF PETITIONS

In re Application of :
Wrobleski, et al. :
Application No. 12/459,940 : DECISION
Filed/Deposited: 9 July, 2009 :
Attorney Docket No. 0113CIPD2 :

This is a decision on the improvidently filed on 23 September, 2009, and properly considered pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **DISMISSED** without prejudice.

Any request for reconsideration of this decision should be filed **within two (2) months** from the mail date of this decision. The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition pursuant to 37 C.F.R. §1.53 and §1.182."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

BACKGROUND

The instant application was deposited on 9 July, 2009.

On 24 July, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete application, indicating therein that the application had not been accorded a filing date because it did not contain a specification as required pursuant to 35 U.S.C. §112.

Thus, the application was not accorded a filing date.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (see: MPEP §503)) that the specification was present on deposit, and provide a copy of the specification.

OPAP set a two- (2-) month period for reply.

On 23 September, 2009, Petitioner submitted:

- a petition with fee;
- no contemporaneous documentation (e.g., a date-stamped receipt card) evidencing deposit of the specification on 9 July, 2009;
- a copy of what Petitioner averred to be the 53-page specification deposited on 9 July, 2009; and
- an explanation, *inter alia*, that upon receipt of the Notice of Incomplete Application he "immediately telephoned OIPE (sic), who (sic) recognized the error and identified the presence of the filed specification within PAIRS as the 53-page document mis-labeled a Foreign Reference. The OIPE (sic), however, requested filing of this petition, in order to provide a complete written response to the Notice for the record.

> **NOTE:** Petitioner's two- (2-) page petition references a telephone conversation that is averred to have occurred on an unspecified date between Petitioner and person or persons at the Office. Petitioner, as one registered to practice before the Office, is well aware that such a reference is not proper in that all practice before the Office is in writing (*see*: 37 C.F.R. §1.2[1]) and the only proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).
>
> Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

Thus, Petitioner now suggests that the Office erred and mis-identified the specification submitted by him on 9 July, 2009.

---

[1] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

ANALYSIS

Petitioner's suggestion is not fully consistent with the record.

The record reflects that on 9 July, 2009, Petitioner deposited via U.S. Postal Service (USPS) Express Mail (Label No. EV 324 313 179 US) the papers Petitioner apparently intended to be filed as an application.

(It is noted that Petitioner provides no copy of the Express Mail Label as a portion of his chain of evidence in support of his petition.)

The record reflects the content of that deposit as: a transmittal (7 pages); an oath/declaration (3 pages), a preliminary amendment (2 pages); a "specification" which in fact is a listing of amendments (3 pages); an abstract (1 page); "amendments to the claims" (6 pages); remarks (5 pages); drawings (14 sheets); a transmittal for an IDS (2 pages); an IDS (2 pages); a German foreign reference No. 29 24 453 (30 pages); a German foreign reference No. 3306174 A1 (10 pages); an European Patent Specification No. EP 0 771 108 B1 (21 pages); what appears to be a Japanese foreign reference No. 9-130826 (15 pages); a PCT International Application foreign reference No. WO 96/36174 (65 pages); a PCT International Application foreign reference No. WO 97/26759 (53 pages); an article/reference (8 pages); and an article/reference (2 pages).

It appears that Petitioner deposited a document identified as a "PCT International Application [foreign reference] No. WO 97/26759" containing 53 pages, and he now represents that he had intended that document to be read as his submission/deposit of the specification as required pursuant to 35 U.S.C. §112. The only way that a filing clerk might have discovered this intent was to page through approximately 239 pages of papers deposited by Petitioner to match an un-highlighted number midway down one of several transmittal sheets to an un-highlighted number on the 53-page "PCT International Application [foreign reference] No. WO 97/26759"[2]

If this was/is Petitioner's intent, he must so expressly state, and he should also provide true copies of the USPS Express Mail Label No. EV 324 313 179 US and date-stamped receipt card

CONCLUSION

The petition is **dismissed** without prejudice; the error was not Office error, and the fee is not waived and was charged as authorized by Petitioner.

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

[2] I.e., "International Application Number: PCT/USA/96/17719."

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 facsimile:	**(571) 273-8300** Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[3] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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PATENT DEPARTMENT
MACROVISION CORPORATION
2830 DE LA CRUZ BLVD.
SANTA CLARA CA 95050

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
Wrobleski, et al. :
Application No. 12/459,940 : DECISION
Filed/Deposited: 9 July, 2009 :
Attorney Docket No. 0113CIPD2 :

This is a decision on the petition filed on 18 December, 2009, and properly considered pursuant to 37 C.F.R. §1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. §1.53 is **GRANTED**.

BACKGROUND

The instant application was deposited on 9 July, 2009.

On 24 July, 2009, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete application, indicating therein that the application had not been accorded a filing date because it did not contain a specification as required pursuant to 35 U.S.C. §112.

Thus, the application was not accorded a filing date.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (see: MPEP §503)) that the specification was present on deposit, and provide a copy of the specification.

OPAP set a two- (2-) month period for reply.

On 23 September, 2009, Petitioner George B. Almeida (Reg. No. 20696) submitted:

- a petition with fee;
- no contemporaneous documentation (e.g., a date-stamped receipt card) evidencing deposit of the specification on 9 July, 2009;

- a copy of what Petitioner averred to be the 53-page specification deposited on 9 July, 2009; and

- an explanation, *inter alia*, that upon receipt of the Notice of Incomplete Application he "immediately telephoned OIPE (sic), who (sic) recognized the error and identified the presence of the filed specification within PAIRS as the 53-page document mis-labeled a Foreign Reference. The OIPE (sic), however, requested filing of this petition, in order to provide a complete written response to the Notice for the record.

ANALYSIS

The contention in Petitioner's 23 September, 2009, petition was not fully consistent with the record. The record reflects that on 9 July, 2009, Petitioner deposited via U.S. Postal Service (USPS) Express Mail (Label No. EV 324 313 179 US) the papers Petitioner apparently intended to be filed as an application. (Petitioner provided no copy of the Express Mail Label as a portion of his chain of evidence in support of his petition.) The record reflected the content of that deposit as: a transmittal (7 pages); an oath/declaration (3 pages), a preliminary amendment (2 pages); a "specification" which in fact is a listing of amendments (3 pages); an abstract (1 page); "amendments to the claims" (6 pages); remarks (5 pages); drawings (14 sheets); a transmittal for an IDS (2 pages); an IDS (2 pages); a German foreign reference No. 29 24 453 (30 pages); a German foreign reference No. 3306174 A1 (10 pages); an European Patent Specification No. EP 0 771 108 B1 (21 pages); what appears to be a Japanese foreign reference No. 9-130826 (15 pages); a PCT International Application foreign reference No. WO 96/36174 (65 pages); a PCT International Application foreign reference No. WO 97/26759 (53 pages); an article/reference (8 pages); and an article/reference (2 pages). Petitioner appears to have deposited a document identified as a "PCT International Application [foreign reference] No. WO 97/26759" containing 53 pages, and he now represents that he had intended that document to be read as his submission/deposit of the specification as required pursuant to 35 U.S.C. §112. The only way that a filing clerk might have discovered this intent was to page through approximately 239 pages of papers deposited by Petitioner to match an un-highlighted number midway down one of several transmittal sheets to an un-highlighted number on the 53-page "PCT International Application [foreign reference] No. WO 97/26759"[1] If this was/is Petitioner's intent, he failed to so expressly state—and, as indicated above, he failed to provide true copies of the USPS Express Mail Label No. EV 324 313 179 US and date-stamped receipt card.

Thus, Petitioner suggested that the Office erred and mis-identified the specification submitted by him on 9 July, 2009. Petitioner so suggested, despite the record evidence, that in his rush to submit an application for filing Petitioner apparently bundled materials improvidently, and failed to properly identify the components of his submission. Further, ignoring the Rules of Practice

[1] I.e., "International Application Number: PCT/USA/96/17719."

that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the only proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.), Petitioner nonetheless claimed certain telephone conversations with Office personnel and instructions to act upon those conversations.

The petition was dismissed on 7 December, 2009.

On 18 December, 2009, Petitioner Andy Pho (Reg. No. 48,862) re-advanced the petition, averred that his colleague's reference to telephone conversations with Office personnel were to "related merely to requests for clarification, and to assist the Office in expedited resolution and *** not intended to meet any of Applicants' documentary burdens." Petitioner further outlined the structure of the papers deposited on 9 July, 2009, and expressly stated that the 53-page "PCT International Application [foreign reference] No. WO 97/26759" was in fact the specification required by statute. Petitioner also submitted what appears to be an illegible copy of the USPS mail label and a copy of a date-stamped receipt card that appears to have been altered in that the bar-code label containing the Office application number and date are blurred and a hand-written application number is evident to the left of the bar code. However, despite Applicants' lack of caution on submission, the record evidences the presence on deposit of papers that Petitioner now avers were to constitute his specification as required pursuant to 35 U.S.C. §112.

CONCLUSION

The petition is **granted**.

Because the Office record supports the averment of the presence on deposit of the application of the 53-page "PCT International Application [foreign reference] No. WO 97/26759," which document Petitioner now expressly avers were the papers that were to constitute his specification as required pursuant to 35 U.S.C. §112, it is concluded that the application—including the 53-page "PCT International Application [foreign reference] No. WO 97/26759"—was deposited with the Office on 8 July, 2009, and that Petitioner's failure to properly label the submission as his specification resulted in its not being so identified by the Office.

Accordingly, the application, including the 53-page "PCT International Application [foreign reference] No. WO 97/26759"apparently intended to be the required specification, is entitled to a filing date of 9 July, 2009.

---

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The Notice mailed on 24 July, 2009, was incomplete, in that it indicated that the specification was missing on deposit, and is hereby **vacated** to the extent that it stated that the application was not accorded a filing date.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

CONCLUSION

The petition is **granted**; the petition fee is not waived because the error was not that of the Office in that Applicants failed to properly identify application components on deposit such that the Office might reasonably discern Applicants' intent.

This application is released to OPAP for further processing with a filing date of 9 July, 2009, for the entire application including 53pages of specification (description, claims) the 53-page "PCT International Application [foreign reference] No. WO 97/26759" using:

- **pages 1–53 of the specification (description, claims)—identified as the 53-page "PCT International Application [foreign reference] No. WO 97/26759"—deposited on 8 July, 2009; and**

- **a transmittal (7 pages); an oath/declaration (3 pages), a preliminary amendment (2 pages); a "specification" which is a listing of amendments (3 pages); an abstract (1 page); "amendments to the claims" (6 pages); remarks (5 pages); drawings (14 sheets), also deposited on 9 July, 2009; and further,**

with direction to OPAP to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 9 July, 2009, and reflecting therein that 53 pages of specification (description claims abstract), plus preliminary amendment, and 14 sheets of black and white drawings were present on filing.

---

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/John J. Gillon, Jr.
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:1

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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DUNLAP CODDING, P.C.
P.O. BOX 16370
OKLAHOMA CITY, OK 73113

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AUG 21 2009

OFFICE OF PETITIONS

In re Application of :

Ted Reid et al :
Application No. 12/460,046 : DECISION ON PETITION
Filed: July 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 7146.025 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 13, 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 copy of Inventor Ted Reid's driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3732 for action on the merits commensurate with this decision.

Irvin Dingle
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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JAMES M. POWERS
3 SANTA LUCIA AVENUE
ORMOND BEACH, FL 32174

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AUG 2 1 2009

OFFICE OF PETITIONS

In re Application of :
James M. Powers :
Application No. 12/460,070 : DECISION ON PETITION
Filed: July 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the paper filed July 13, 2009, which is being treated as a petition under 37 CFR 1.102(c)(1), 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 copy of Inventor James M. Powers' driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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 3641 for action on the merits commensurate with this decision.

Irvin Dingle
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
www.uspto.gov

HANS H. HARALDSTED
POSTBOX 107
FARUM DK352-0 DK DENMARK

8/26/09

In re Application of	:	
HARALDSTED, HANS H.	:	DECISION ON REQUEST TO
Application No. 12/460,094	:	PARTICIPATE IN PATENT
Filed: July 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. n/a	:	PILOT PROGRAM AND PETITION
For: SYSTEM AND EQUIPMENT FOR PERSONS WITH STOMA	:	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 July 10, 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 DKPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO 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 DKPTO 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 DKPTO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee $130.00 under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fail to include Items #1-3 and 5-7. The applicant failed to validly claim the foreign priority. A certified copy of the PA 2009/00116 must be provided. The applicant must provide an amendment to all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application. The applicant must submit a copy of all the office actions from the DKPTO application containing the allowable/patentable claim(s). The applicant also needs to submit an IDS listing the documents in the form of an IDS cited by the Danish examiner in the DKPTO office action along with copies of documents. In particular, petitioner fails to provide an IDS including the DKPTO cited prior art patent publications. The applicant failed to pay a petition fee of $130.00.

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. Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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HANS H. HARALDSTED
POSTBOX 107
FARUM DK352-0 DK DENMARK

9/28/09

In re Application of	:	
HARALDSTED, HANS H.	:	DECISION ON REQUEST TO
Application No. 12/460,094	:	PARTICIPATE IN PATENT
Filed: July 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. n/a	:	PILOT PROGRAM AND PETITION
For: SYSTEM AND EQUIPMENT FOR PERSONS WITH STOMA	:	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 Sep. 17, 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 DKPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO 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 DKPTO 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 DKPTO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee $130.00 under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fail to include Items #6.

The applicant needs to submit an IDS listing the documents in the form of an IDS cited by the Danish examiner in the DKPTO office action along with copies of documents. In particular, petitioner fails to provide an IDS (Form 1449) including the DKPTO cited prior art patent publications, e.g. US Pats. 5,429,625; 5,730,735; 4,923,452.

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. Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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

HANS H. HARALDSTED
POSTBOX 107
FARUM DK352-0 DK DENMARK

11/13/09

In re Application of	:	
HARALDSTED, HANS H.	:	DECISION ON REQUEST TO
Application No. 12/460,094	:	PARTICIPATE IN PATENT
Filed: July 10, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. n/a	:	PILOT PROGRAM AND PETITION
For: SYSTEM AND EQUIPMENT FOR PERSONS WITH STOMA	:	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 October 13, 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 DKPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO 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 DKPTO 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 DKPTO application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee $130.00 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 Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Tatyana Zalukaeva, SPE of Art Unit 3761, 571-272-1115.

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

Petition is granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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In re Application of
A. Said El Shami

Application No. 12460255

Filed: July 15,2009

Attorney Docket No. 2009P10487US

:
:
: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 06-NOV-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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DIW Jan-10

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

COPY MAILED

JAN 27 2010

In re Application of	:	
Cruise et al.	:	
Application Number: 12/460267	:	ON PETITION
Filed: 07/16/2009	:	
Attorney Docket Number:	:	
136071.00281	:	

This is a decision on the "PETITION AND RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION," filed on November 5, 2009, which is treated as a petition requesting that the above-identified application, including 22 sheets of drawings, be accorded a filing date of July 16, 2009.

The petition is **GRANTED**.

On July 16, 2009, the application was deposited. The application papers included 12 pages of transmittal letter, and 48 pages of specification, including one (1) page containing claims.

On August 5, 2009, a Notice of Incomplete Nonprovisional Application was mailed, stating that the application had not been accorded a filing date because the application had been deposited without drawings. On August 13, 2009, the Notice was returned to the Office as undeliverable. On September 10, 2009, the Notice was remailed.

On November 5, 2009, in response, the subject petition and 22 sheets of drawings were deposited.

Petitioners argue that 22 sheets of drawings were filed with the other application papers on July 16, 2009, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of "071609", and the above-identified application number. The postcard further identifies the application by the attorney docket number, invention title, and

second named inventor's last name, and acknowledges receipt of, *inter alia*, 22 drawings. Petitioners request that the application, including the 22 sheets of drawings, be accorded a filing date of July 16, 2009.

A review of the record reveals that no 22 sheets of drawings received on July 16, 2009, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on July 16, 2009, included 22 sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including 22 sheets of drawings, is entitled to a filing date of July 16, 2009.

In view of the above, the petition is granted. No petition fee is due. The $400.00 petition fee paid will be refunded to counsel.

The application will be processed with the copy of the 22 sheets of drawings supplied on November 5, 2009, as a part of the original disclosure.

The application is being referred to the Office of Patent Application Processing for further processing with a filing date of **July 16, 2009**, using the application papers filed on that date, and the copy of 22 sheets of drawings supplied with the present petition, and for an indication in Office records that 22 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

/DWood/

Douglas I. Wood
Senior Petitions Attorney
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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Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley CA 94942

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JAN 08 2010

In re Application of :
Weston Arthur Hermann et al. :
Application No. 12/460,346 : DECISION ON PETITION
Filed: July 17, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. TES022C4 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 11, 2009, 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(c)(2) 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 application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that 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. 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 petition lacks items 1 and 4 as explained below.

In regard to item 1, this application has been classified in an area (USPC 429/186) 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 4, it is noted the petition includes a statement explaining how the instant application materially contributes to category (B). The instant invention is directed to a "Multi-Wall Battery for Maintaining Cell Wall Integrity During Thermal Runaway". Petitioner's argument is that (a) use of the instant battery in electric vehicles would potentially prevent destruction of the vehicle due to a thermal runaway event, and (b) the use of the instant battery in electric vehicles "will help to reduce the number of vehicles utilizing internal combustion engines". Petitioner should note the prevention of potential destruction of the vehicle due to a thermal runaway event is a safety issue and the potential reduction in energy consumption via combustion systems depends on the how an end user might use the instant invention. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly it is unclear as to how the claimed invention would materially contribute to category (A) or (B).

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 the undersigned at 571-272-4914.

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 1795 for action in its regular turn.

Ramesh Krishnamurthy
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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Telsa Motors, Inc.
c/o Patent Law Office of David G. Beck
P.O. Box 1146
Mill Valley CA 94942

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JAN 08 2010

In re Application of :
Weston Arthur Hermann et al. :
Application No. 12/460,423 : DECISION ON PETITION
Filed: July 17, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. TES022C3 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 11, 2009, 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(c)(2) 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 application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that 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. 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 petition lacks items 1 and 4 as explained below.

In regard to item 1, this application has been classified in an area (USPC 429/50) 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 4, it is noted the petition includes a statement explaining how the instant application materially contributes to category (B). The instant invention is directed to a "Method and Apparatus for Maintaining Cell Wall Integrity During Thermal Runaway Using an Outer Layer of Intumescent Material". Petitioner's argument is that (a) use of the instant battery in electric vehicles would potentially prevent destruction of the vehicle due to a thermal runaway event, and (b) the use of the instant battery in electric vehicles "will help to reduce the number of vehicles utilizing internal combustion engines". Petitioner should note the prevention of potential destruction of the vehicle due to a thermal runaway event is a safety issue and the potential reduction in energy consumption via combustion systems depends on the how an end user might use the instant invention. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly it is unclear as to how the claimed invention would materially contribute to category (A) or (B).

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

By Mail: Mail Stop PETITION
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P. O. Box 1450
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4914.

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 1795 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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FEB 18 2010

OFFICE OF PETITIONS

SEALED AIR CORPORATION
PO BOX 464
DUNCAS SC 29334

In re Application of :
Adrian M. Smith :
Application No. 12/460,435 : DECISION ACCORDING STATUS
Filed: July 17, 2009 : UNDER 37 CFR 1.47(b)
Attorney Docket No. D-44011-01US :

This is in response to the petition under 37 C.F.R. § 1.47(b), filed December 15, 2009.

The petition under 37 C.F.R. § 1.47(b) is **GRANTED**.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(b). Accordingly, the above-identified application is hereby accorded Rule 1.47(b) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 18 2010

OFFICE OF PETITIONS

ADRIAN M SMITH
227 WENDOUREE PARADE
BALLARAT
VICTORIA 3350
AUSTRALIA

In re Application of :
Adrian M Smith :
Application No. 12/460,435 :
Filed: July 17, 2009 : LETTER
Title: A Bag of a Heat-Shrinkable Gas :
Barrier Thermoplastic Sheet

Dear Mr. Smith:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

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OFFICE OF PETITIONS

In re Application of :
Ziyad A. Qamhiyeh :
Application No. 12/460,499 : DECISION ON PETITION
Filed: July 20, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. P07915US01 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 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 copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. 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 3748 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Mark E. Ogram
Ste. 110-186
6990 E. 22nd Street
Tucson AZ 85710-5192

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JAN 29 2010

In re Application of	:	
Mark Ellery Ogram	:	DECISION ON PETITION
Application No. 12/460,555	:	TO MAKE SPECIAL UNDER
Filed: July 21, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1414AW.5	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 16, 2009, 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, 5, 7, and 9 as explained below.

In regards to item 1, Petitioner should note that this application has been classified in an area (USPC 307/151) 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, it is noted that the instant invention relates to "ATMOSPHERIC ELECTRICAL GENERATOR WITH CHANGE OF STATE." In the statement accompanying the instant petition, petitioner states that in addition to being eligible for consideration as materially contributes to the development of renewable energy resources and the reduction of greenhouse gases and more particular to the use of naturally occurring electrical energy in the atmosphere. However, from the claimed invention it is not clear how the instant invention contributes materially to "provide a mechanism for electrical energy from the atmosphere in a variety of conditions which will have no carbon emissions and to provide an efficient conduction of this electrical energy to ground, thereby providing a greener environment," when compared with available alternatives. The instant petition fails to explain how the instant invention contributes in a significant, substantial or noticeable manner to enhancing the quality of the environment or the more efficient utilization and conservation of energy resources or green house gas emission reduction. Accordingly, it is unclear as to how the claimed invention would materially contribute under category (A) or (B).

In regard to item 7, the present petition to make special was not filed electronically. Thus this petition is **DISMISSED** for not complying with the Notice.

In regard to item 9, Petitioner should note that as set forth 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 ($300) set forth in 37 CFR 1.18(d).

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 Tammara Peyton 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 Art Unit 2836 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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HUDAK, SHUNK & FARINE, CO., L.P.A.
2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS OH 44221

MAILED

NOV 06 2009

OFFICE OF PETITIONS

In re Application of :
McRae, et al. :
Application No. 12/460,619 : NOTICE
Filed: July 22, 2009 :
Attorney Docket No. STERIS-CC-1-DIV :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 and request for change in entity status, filed October 6, 2009.

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

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NOV 2 3 2009

OFFICE OF PETITIONS

In re Application of :
Ann Kneipp Mcrae, et al. :
Application No. 12/460,654 : NOTICE
Filed: July 22, 2009 :
Attorney Docket No. STERIS-CC-1-CON :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 10, 2009.

The request is **DISMISSED**.

Petitioner indicates status as a small entity has changed; however, the petition does not comply with the requirements of 37 CFR 1.28(c)(2)(ii), which states:

> (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.

This communication is being treated under 1.27(g)(3) as a notification of a loss of entitlement to small entity status.

Applicant is given **ONE MONTH** to submit a complete listing of all the fees erroneously paid as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper. This time period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

Inquiries related to this communication should be directed to the April M. Wise at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197

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THOMAS G. PACKARD
7005 150TH PL. SW.
EDMONDS, WA 98026

MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of :
Thomas G. Packard :
Application No. 12/460,834 : ON PETITION
Filing: July 23, 2009 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 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 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 application is being referred to the Technology Center Art Unit 3618 for further processing in accordance with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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.
12/461,100	07/31/2009	Yusei Kadobayashi	2009_1197A	4044

513 7590 05/13/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
SINGH, SUNIL K	
ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
05/13/2010	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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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:	DECISION ON REQUEST TO
KADOBAYASHI, YUSEI	PARTICIPATE IN PATENT
Serial No.: 12/461,100	PROSECUTION HIGHWAY
Filed: July 31, 2009	(PPH) AND PETITION TO
Docket: 2009_1198A	MAKE SPECIAL UNDER 37
Title: Artificial Teeth	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 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 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 Cris Rodriguez, the SPE of Art Unit 3732, and 571-272-4964 for Class 433 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,101	07/31/2009	Yusci Kadobayashi	2009_1198A	5026

513 7590 05/13/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
SINGH, SUNIL K	
ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
05/13/2010	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:	:	DECISION ON REQUEST TO
KADOBAYASHI, YUSEI	:	PARTICIPATE IN PATENT
Serial No.: 12/461,101	:	PROSECUTION HIGHWAY
Filed: July 31, 2009	:	(PPH) AND PETITION TO
Docket: 2009_1198A	:	MAKE SPECIAL UNDER 37
Title: Artificial Teeth	:	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 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 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 Cris Rodriguez, the SPE of Art Unit 3732, and 571-272-4964 for Class 433 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,216	08/05/2009	Daniel Reem	46800	6878

67801 7590 03/17/2010

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER	
RODRIGUEZ, PAUL L	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
03/17/2010	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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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of:
Daniel Reem et al.
Application No. 12/461,216
Filed: August 5, 2009
For: **EFFICIENT COMPUTATION OF VORONOI DIAGRAMS OF GENERAL GENERATORS IN GENERAL SPACES AND USES THEREOF**

DECISION ON PETITION UNDER 37 C.F.R. 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed October 8, 2009 equesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 1, 3 and 5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee, three (3) sets of color drawings of Figures 1, 3 and 5 and an amendment to the specification, page 7 at line 17, containing the required notification described above.

The petition is **GRANTED**.

Kakali Chaki
Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

MAR 05 2010

OFFICE OF PETITIONS

In re Application of :
Pottier, et al. :
Application No. 12/461,283 : ON PETITION
Filed: August 6, 2009 :
Attorney Docket No. 1022702-000443 :

This is a decision on the petition, filed October 21, 2009, entitled, "PETITION FOR DATE OF DEPOSIT."

The petition, treated under 37 CFR 1.53(e), is **GRANTED.**

The application was filed on August 6, 2009. On October 7, 2009, the Office of Data Management mailed a Notice informing applicants that pages 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, and 22 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that pages 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, and 22 be accorded a filing date of August 6, 2009 on the basis that the entire specification was received in the Patent and Trademark Office (PTO) on August 6, 2009.

In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp of November 15, 2004. The postcard lists that the filing included, *inter alia*: specification (pages 1-18) and claims (claims 1-37, 5 pages). A review of the application file reveals that all the even numbered pages of the specification and claims are missing.

The return postcard constitutes *prima facie* evidence that pages 1-18 of the specification and five pages of claims were filed on August 6, 2009. MPEP 503. Accordingly, the petition is granted.

The $400.00 petition fee will be credited to petitioners' credit card.

The application is being referred to Office of Patent Applicant Processing for further processing,

with a filing date of **August 6, 2009**, using the copy of pages 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, and 22 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,557	08/14/2009	Donald John McLean	313055-000005	9212

47604 7590 02/18/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
02/18/2010	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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DLA PIPER LLP US
P. O. Box 2758
Reston VA 20195

In re Application of	:	
MCLEAN, Donald et al.	:	DECISION ON PETITION
Application No. 12/461,557	:	TO MAKE SPECIAL UNDER
Filed: August 14, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 313055-000005	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 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 **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 above for the reasons explained in more detail below.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 706/052) 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 Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2129 for action in its regular turn.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/461,557	08/14/2009	Donald John McLean	313055-000005	9212

47604 7590 07/01/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2129	

MAIL DATE	DELIVERY MODE
07/01/2010	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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DLA PIPER LLP US
P. O. Box 2758
Reston VA 20195

In re Application of	:	
MCLEAN, Donald et al.	:	DECISION ON PETITION
Application No. 12/461,557	:	TO MAKE SPECIAL UNDER
Filed: August 14, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 313055-000005	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed June 21, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 0 1 2009

OFFICE OF PETITIONS

MYRON STUART HURWITZ, ARCHITECT
4420 FOREST GLEN COURT
ANNANDALE VA 22003

In re Application of	:	
HURWITZ, Myron Stuart	:	
Application No. 12/461,564	:	DECISION ON PETITION
Filed: August 17, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 21, 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 by Myron S. Hurwitz attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

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 3657 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
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
www.uspto.gov

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

COPY MAILED

JAN 13 2010

In re Application of	:	
Steven CROFT et al	:	DECISION ON PETITION
Application No. 12/461,889	:	TO MAKE SPECIAL UNDER
Filed: August 27, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 075122-0160	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 11, 2009, 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 5 as explained below.

In regard to item 5, 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.

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 Olisa Anwah at 571-272-6051.

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 1793 for action in its regular turn.

Ramesh Krishnamurthy
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.
12/461,889	08/27/2009	Steven Croft	075122-0160	6581

22428 7590 02/12/2010

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

EXAMINER	
YOON, KEVIN E	

ART UNIT	PAPER NUMBER
1793	

MAIL DATE	DELIVERY MODE
02/12/2010	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 12 2010

In re Application of	:	
Croft et al.	:	DECISION ON PETITION
Application No. 12/461,889	:	TO MAKE SPECIAL UNDER
Filed: 8/27/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **075122-0160**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/29/2010, 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.

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 1793 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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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LITMAN LAW OFFICES, LTD.
POST OFFICE BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215-0035

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SEP 3 0 2009

OFFICE OF PETITIONS

In re Application of :
William B. Worthington :
Application No. 12/461,954 : DECISION ON PETITION
Filed: August 28, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 31495.00 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 28, 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 by applicant that he/she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-4000.

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center Art Unit 3732 for action on the merits commensurate with this decision.

Kimberly Inabinet
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/462,028	07/28/2009	Troy Hunter Lapetina	2008-THL01	6226

7590 03/23/2010

Bambi Faivre Walters
P.O. Box 5743
Williamsburg, VA 23188

EXAMINER	
WILSON, LEE D	
ART UNIT	PAPER NUMBER
3727	

MAIL DATE	DELIVERY MODE
03/23/2010	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.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12462028	7/28/2009	LAPETINA, TROY HUNTER	2008-THL01

Bambi Faivre Walters
P.O. Box 5743
Williamsburg, VA 23188

EXAMINER	
LEE D. WILSON	
ART UNIT	**PAPER**
3727	20100322

DATE MAILED:

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

Commissioner for Patents

This is a copy of the correction on the inventors name with the space added in between the Troy and Hunter.

/LEE D WILSON/
Primary Examiner, Art Unit 3727

DETAILED ACTION

Inventorship

1. In view of the papers filed 3/1/2010, the inventorship in this nonprovisional application has been changed by the deletion of "TroyHunter Lapetina" to - - Troy Hunter Lapetina" - - .

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MONICA CARTER can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3727

March 22, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MARY ELIZABETH BUSH
QUALLION LLC
P. O. BOX 923127
SYLMAR, CA 91392-3127

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JUL 3 1 2007

OFFICE OF PETITIONS

In re Application of :
Lu Chow et al :
Application No. 11/501,095 : DECISION ON PETITION
Filed: August 8, 2006 :
Attorney Docket No. Q227-US3 :

This is in response to the petition under 37 CFR 1.47(a), filed October 30, 2006.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Lu Chow, has refused to join in the filing of the above-identified application, as demonstrated by the facts set forth in the petition.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is currently before Technology Center AU 2838 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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AUG 0 6 2007

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/462,180	07/30/2009	Akira Suzuki	4041J-001600/US	8033

EXAMINER

7590 02/26/2010

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
02/26/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 03/01/2010 NFARYER
08/03/2009 EAREGAY1 00000027 12462180
02 FC:1111 -542.00 OP

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

MAILED

SEP 28 2009

OFFICE OF PETITIONS

MICHAEL J. COLITZ, JR.
640 Douglas Avenue
DUNEDIN FL 34698

In re Application of	:	
Richard W. Disesterheft	:	
Application No. 12/462,510	:	DECISION ON PETITION
Filed: August 5, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DJ 14/02	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 5, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
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.
12/462,555	08/05/2009	Lawrence E. Anderson		7024

91424 7590 02/20/2010

Lawrence E. Anderson
P.O. Box 16603
Arlington, VA 22215

EXAMINER	
ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
02/20/2010	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

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

Lawrence E. Anderson
P.O. Box 16603
Arlington VA 22215

In re Application of	:	
Lawrence E. ANDERSON	:	DECISION ON PETITION
Application No. 12/462,555	:	TO MAKE SPECIAL UNDER
Filed: 06 August 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. N/A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 17 January 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 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 315/113) 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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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.
12/462,555	08/05/2009	Lawrence E. Anderson		7024

91424 7590 04/02/2010

Lawrence E. Anderson
P.O. Box 16603
Arlington, VA 22215

EXAMINER	
ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
04/02/2010	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
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Lawrence E. Anderson
P.O. Box 16603
Arlington VA 22215

In re Application of	:	
Lawrence E. ANDERSON	:	DECISION ON PETITION
Application No. 12/462,555	:	TO MAKE SPECIAL UNDER
Filed: 06 August 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. N/A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 17 January 2010 and renewed on 22 March 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.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

Applicant's amendment and arguments are sufficient to change the classification to 320/101.

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

The application is being forwarded to the Technology Center Art Unit 2858 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MCNAIR LAW FIRM P.A.
P.O. BOX 447
GREENVILLE SC 29602-0447

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DEC 2 9 2009

OFFICE OF PETITIONS

In re application of
Franz H. Herbert et al
Application No. 12/462,590
Filed: August 4, 2009
Attorney Docket No. 032264.00045

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.

This application is being referred to Technology Center AU 2624 for examination in due course.

/KOC/
Karen Creasy
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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AIR FORCE RESEARCH LABORATORY RIJ
26 ELECTRONIC PARKWAY
ROME NY 13441-4514

MAILED

FEB 25 2010

OFFICE OF PETITIONS

In re Application of	:	
MCCARTHY et al.	:	DECISION REFUSING STATUS
Application No. 12/462,632	:	UNDER 37 CFR 1.47(a)
Filed: August 6, 2009	:	
Attorney Docket No. RL 10,085	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 6, 2009.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks items (1), (2) and (4) as set forth above.

As to item (1), applicants assert that Lary Eichel, the non-signing inventor, constructively refuses to sign the declaration for the present application. Specifically, in his declaration of facts, Joseph A. Mancini, attorney of record, states, in pertinent part:

> [] On July 20, 2009 I forwarded a copy of a Declaration of Inventorship to Daniel McCarthy with instructions to forward a copy of each to his coinventors, which he did in fact do.

> [] On July 30, 2009 Daniel McCarthy received an e-mail from Lary Eichel stating "...I have not been able to convince them [Eichel's. employer, Northrop Grumman] to execute the other papers [i.e., a Declaration of Inventorship] I received... If it does not look like I can get something signed to you, I'm not sure what to do next..." Lary Eichel provided the name, e-mail address, and phone number of the Northrop Grumman attorney handling the matter, Ms. Connie Thousand.
>
> [] On July 31, 2009 I e-mailed Connie Thousand at Northrop Grumman explaining issues regarding the assignment of patent rights and also that a request had been made for execution of the Declaration of Inventorship but that Lary Eichel indicated none would be forthcoming. Ms. Thousand did not reply to my e-mail. On August 4, 2009 1 telephoned Ms. Connie Thousand and left a voice mail message reiterating my request for a Declaration of Inventorship. My voice mail message was not returned.

Petition, 08/06/09, p. 1.

Pursuant to MPEP 409.03(d)(II),

> 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. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. 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 that conclusion is based should be stated in the 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 in 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.

In this instance, it does not appear that applicants provided Mr. Eichel with a complete copy of the application papers. Furthermore, applicants did not submit a statement from Mr. McCarthy, a person with firsthand knowledge of the events that surrounded Mr. Eichel's refusal. Moreover, applicants did not provide the USPTO with a copy of the email correspondence between Mr. Eichel and Mr. McCarthy regarding his refusal. Therefore, to demonstrate that the Mr. Eichel refuses to join in the application, applicants must show on renewed petition that they mailed a complete copy of the present nonprovisional application, including the specification, claims and drawings, to the non-signing inventor, personally or his designated representative, and that he did not respond to or refused the request to sign the declaration. The circumstances of any refusal to join in the filing of the application must be made by all persons with firsthand knowledge of the event.

As to item (2), the declaration submitted on petition is not acceptable. It is noted that the declaration included the following language: "WE ACKNOWLEDGE THE DUTY to disclose information which is **material to the examination** of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a)." (Emphasis added).

The Duty of Disclosure Language Set Forth in Oaths or Declarations Filed in Nonprovisional Patent Applications states in pertinent part:

> With this Notice, the Office is putting applicants and their representatives on notice that compliance with the express language of 37 CFR 1.63 will now be required. Additionally, to the extent the Reply to Comment 38 in the 1992 Final Rule authorized the continued use of the 'material to examination' and 'in accordance with 37 CFR 1.56(a),' language, this authorization it is hereby rescinded, and reliance on the Reply to Comments 38 will no longer be accepted. If an oath or declaration filed on or after June 1, 2008, does not include the express language set forth in 37 CFR 1.63(b)(3), the Office will object to the oath or declaration as

failing to comply with 37 CFR 1.63. A supplemental oath or declaration pursuant to 37 CFR 1.67 will then be required.

1327 OG 113 (Feb. 12, 2008).

Accordingly, applicants must submit a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.67, signed by the signing joint inventors on their own behalf and on behalf of the non-signing joint inventor. A declaration signed by all the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by all the available joint inventors on behalf of the non-signing inventor.

As to item (4), applicants did not set forth the last known address of the non-signing inventor in the present petition. The Office reminds applicants that an application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. MPEP 409.03(e). The address should be the last known address at which the inventor customarily receives mail, usually the residence of the non-signing inventor.

The $200.00 petition fee will be charged to the Deposit Account as authorized.

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 FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System (EFS-Web) of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
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
www.uspto.g

WILLIAM A. WALSH, JR.
250 NO. BAY STREET
MANCHESTER, NH 03104

COPY MAILED

OCT 2 9 2009

OFFICE OF PETITIONS

In re Application of :
William Arthur Walsh Jr. :
Application No. 12/462,831 : DECISION ON PETITION
Filed: August 10, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 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 from Inventor William Arthur Walsh Jr. stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. 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 1793 for action on the merits commensurate with this decision.

Irvin Dingle
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.
12/463,030	05/08/2009	Wolfgang G. Hees	W08/017-1	8715

226 7590 02/05/2010

ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR, CT 06095

EXAMINER	
ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/05/2010	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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P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTOM POWER INC.
INTELLECTUAL PROPERTY LAW DEPT.
P.O. BOX 500
WINDSOR CT 06095

In re Application of
HEES, WOLFGANG G.
Application No. 12/463,030
Filed: May 8, 2009
Attorney Docket No. W08/017-1
Title: OPERATION OF A FROSTING VESSEL OF AN ANTI-SUBLIMATION SYSTEM

: DECISION ON PETITION
: TO MAKE SPECIAL UNDER
: THE GREEN TECHNOLOGY
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 8, 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 and #5 .

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 62/532) 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 Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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
Bruce A. Bennett

Application No. 12463034

Filed:

Attorney Docket No. A-75275

:
:
: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 08-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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,170	05/08/2009	Takeshi CHUJOH	341795US2SRD DIV	9012

22850 7590 07/28/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
07/28/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI ET AL	:	DECISION ON REQUEST TO
Application No. 12/463,170	:	PARTICIPATE IN PATENT
Filed: May 8, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **341795US2SRD DIV**	:	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 May 8, 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 3 above.

Regarding item 3, all the claims in the US application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. In this instant US application, the amended claims do not sufficiently correspond to the JPO application 2008-151020.

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 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

Q.2

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.
12/463,170	05/08/2009	Takeshi CHUJOH	341795US2SRD DIV	9012

22850 7590 12/29/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
SENFI, BEHROOZ M	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
12/29/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI et al.	:	DECISION ON REQUEST TO
Application No. 12/463,170	:	PARTICIPATE IN PATENT
Filed: May 8, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **341795US2SRD DIV**	:	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 August 28, 2009, to make the above-identified application special.

The request and petition are **DISMISSED AS MOOT**.

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 are dismissed as moot as the examination of the above-identified application has begun. An Office Action was mailed on September 4, 2009, and a Response to the Office Action was received on December 4, 2009.

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

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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.
12/463,270	05/08/2009	Shinobu Sugimura	SUTOSH.406AUS	9226

20995 7590 07/09/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
THOMAS, ALEXANDER S	

ART UNIT	PAPER NUMBER
1783	

NOTIFICATION DATE	DELIVERY MODE
07/09/2010	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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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CST

July 8, 2010

In re application of	:	DECISION ON REQUEST TO
Shinobu Sugimura et al	:	PARTICIPATE IN PATENT
Serial No. 12/463,270	:	PROSECUTION HIGHWAY
Filed: May 8, 2009	:	PROGRAM AND
For: STAMPER HOLDER, MOLDING DIE AND MOLDED SUBSTRATE FOR RECORDING MEDIUM	:	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 6, 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 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

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

RICHARD B. FRADELLA
33872 CALLE CONEJO
SAN JUAN CAPISTRANO, CA 92675

MAILED

JUN 0 2 2009

OFFICE OF PETITIONS

In re Application of	:	
Richard B. Fradella	:	
Application No. 12/463,295	:	DECISION ON PETITION
Filed: May 8, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ExcEn_RPM_Regen	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 8, 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 from Inventor Richard Fradella stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. 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 2837 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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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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MAILED

SEP 28 2009

OFFICE OF PETITIONS

LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303

In re Application of	:	
Stephen J. KLESHINSKI, et al	:	
Application No. 12/463,296	:	DECISION ON PETITION
Filed: May 8, 2009	:	TO WITHDRAW
Attorney Docket No. 066015.000006	:	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 3, 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 to change the correspondence address is not the most current address of: (1) the first named inventor; or (2) an assignee of the entire interest who properly became of record 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.

/Diane Goodwyn/
Diane Goodwyn
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
www.uspto.g

NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Arthur A. Beisang et al :
Application No. 12/463,526 : DECISION ON PETITION
Filed: May 11, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 20020529.CIB : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 11, 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 from Inventor Arthur A. Beisang stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. 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 1615 for action on the merits commensurate with this decision.

Irvin Dingle
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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,569	05/11/2009	Patrick L. Jansen	236302	9879

7788 7590 02/19/2010

GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER	
MOHANDESI, IRAJ A	
ART UNIT	PAPER NUMBER
2839	

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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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
Patrick L. Jansen	:	DECISION ON PETITION
Application No. 12/463,569	:	TO MAKE SPECIAL UNDER
Filed: 11 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 236302	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 28 December 2009, 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.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/463,860	05/11/2009	Shinobu SUGIMURA	SUTOSH.407AUS	1421

7590 03/04/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
1791	

NOTIFICATION DATE	DELIVERY MODE
03/04/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
[illegible] [illegible]

Previous Card Refund Total: [illegible]

Master Id: [illegible]

Adjustment date: 03/04/2010 NFARMER
05/12/2009 INTEFSL [illegible] [illegible]
[illegible] FC:1111 -340.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of
Chandra SEKAR

Application No. 12463876

Filed: May 11,2009

Attorney Docket No.

:
:
: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 04-JUN-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.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (06-09)
Approved for use through 06/30/2009. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/463,876	Confirmation Number	1460	Filing Date	2009-05-11
Attorney Docket Number (optional)	043829.012000	Art Unit	1794	Examiner	Unassigned
First Named Inventor	Chandra Sekar				
Title of Invention	METHODS FOR MANUFACTURING A PAINT ROLLER AND COMPONENT PARTS THEREOF				

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
Chandra		Sekar	

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	/Richard E. Kurtz/	Date (YYYY-MM-DD)	2009-06-04
Name	Richard E. Kurtz	Registration Number	33936

PTO/SB/130 (06-09)
Approved for use through 06/30/2009. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/463,928	05/11/2009	Hideki OHKITA	SUTOSH.405AUS	1563

20995 7590 11/06/2009 •

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
11/06/2009	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):

jcartee@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Hideki Ohkita
Application No. 12463928
Filed: May 11, 2009
For: RELAY DEVICE AND RELAY METHOD

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

MAILED

NOV 05 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), October 30, 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 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 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

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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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MORGAN, LEWIS & BOCKIUS, LLP. (PA)
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO, CA 94306

MAILED

JUL 22 2010

OFFICE OF PETITIONS

In re Application of
Catherine Lin-Hendel
Application No. 12/464,047
Filed: May 11, 2009
Attorney Docket No. 101156-5013US

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 10.40 filed June 18, 2010.

The request is **NOT APPROVED**.

The request cannot be accepted at this time, since petitioner failed to provide a signature on the instant request to withdraw.

Additionally, 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). Thus, the request to change the correspondence cannot be accepted since it is not of the sole inventor or the intervening assignee that complied with the requirements of 37 CFR 3.73(b)[1].

There is an outstanding Office action mailed July 14, 2010 that requires a reply from applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: ANATOLY S. WEISER
3525 DEL MAR HEIGHTS ROAD, #295
SAN DIEGO, CA 92130

[1] In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a 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).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,059	05/11/2009	Markus Diebel	INCSP005	1820

51111 7590 07/10/2009

AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA, CA 95050

EXAMINER	
MOHADDES, LADAN	
ART UNIT	**PAPER NUMBER**
1795	

NOTIFICATION DATE	DELIVERY MODE
07/10/2009	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):

PTO-INBOX@AKACHANLAW.COM

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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JUL 10 2009

CST

In re application of Markus Diebel et al Serial No. 12/464,059 Filed: May 11, 2009 For: PORTABLE ELECTRONIC DEVICE CASE WITH BATTERY	:	DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 11, 2009 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DISMISSED.**

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition, section II, subsections 1-5, are considered to have been met. However, the petition fails to comply with condition II, subsection 6.

Three separate information disclosure statements (IDS) have been filed, two on May 11, 2009 and one on May 14, 2009, however, only the references listed on one of the IDS's have been discussed in the AESD. Note that there is a presumption that each of the cited references is considered most relevant to the claimed invention and that an identification of where all of the limitations in the claims that are disclosed in the references is required.

Applicant is encouraged to review the Frequently Asked Questions concerning the Accelerated Examination Program posted on www.uspto.gov. Specifically, note the question and answer reproduced below:

IDS 3. Will the Office accept an accelerated examination support document (AESD) that contains a list of references in the information disclosure statement (IDS) of the AESD, but does not include any identification and explanation for those references that are not required to be submitted in the IDS of the AESD (*i.e.*, references that are not most closely related to the subject matter of each of the claims)?

No, the AESD will be deemed insufficient for lack of identification and explanation. The applicant will be notified of the defects and the application will remain in the status of a new application awaiting action in its regular turn. The applicant will be given a time period of one month, without any extension of time under 37 CFR §1.136(a), to perfect the petition.

If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

Note that applicant has not specifically stated that the 6 page IDS of May 11, 2009 and the 2 page IDS of May 14, 2009 are NOT in support of the petition to make special as required above.

It is further noted that while the literature reference to "Mophie Juice Pack iPhone 3G" has a date of August 4, 2008 on the IDS filed May 11, 2009, the publication date given on page 2 of the AESD is September 12, 2008. Clarification is required.

Applicant has also provided a petition to make special, on the basis of actual infringement of the invention, however, any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006. Thus, this petition has not been considered.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,059	05/11/2009	Markus Diebel	INCSP005	1820

51111 7590 08/06/2009

AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA, CA 95050

EXAMINER	
MOHADDES, LADAN	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
08/06/2009	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):

PTO-INBOX@AKACHANLAW.COM

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AUG -6 2009

CST

In re application of :
Markus Diebel et al :
Serial No. 12/464,059 : DECISION ON PETITION
Filed: May 11, 2009 : TO MAKE SPECIAL
For: PORTABLE ELECTRONIC :
DEVICE CASE WITH BATTERY :

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on July 15, 2009 to make the above-identified application special.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and

arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of

Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Evans Hankey	: DECISION ON REQUEST FOR
Patent Number	: 7641498	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/464,077	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/11/2009	: 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.

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OFFICE OF PETITIONS

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

In re Application of	:	
David Fitzgerald	:	
Application No. 12/464,265	:	DECISION ON PETITION
Filed: May 12, 2009	:	TO WITHDRAW
Attorney Docket No. WAM-2000	:	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 22, 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 to change the correspondence address is not the most current address for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a 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 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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Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
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OFFICE OF PETITIONS

In re Application of
David Fitzgerald
Application No. 12/464,265
Filed: May 12, 2009
Attorney Docket No. WAM-2000

CORRECTED DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a corrected decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 22, 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 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. A renewed request must include a proper statement under 3.73(b).

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a 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 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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OFFICE OF PETITIONS

Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

In re Application of
David Fitzgerald
Application No. 12/464,265
Filed: May 12, 2009
Attorney Docket No. WAM-2000

DECISION ON PETITION
TO WITHDRAW
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 November 9, 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 James Fox on behalf of all attorneys/agents associated with customer number 77845. All attorneys/agents associated with customer number 77845 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
Petitions Examiner
Office of Petitions

cc: David Fitzgerald
907 Marin Avenue
Hayward, CA 94541

cc: Wham-O, Inc.
5903 Christie Avenue
Marketing Department
Emeryville, CA 94608

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/464,265	05/12/2009	David Fitzgerald	WAM-2000

CONFIRMATION NO. 1263

POWER OF ATTORNEY NOTICE

77845
Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park, CA 94025-1105

OC000000039124303

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/09/2009.

- 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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THE NOBLITT GROUP, PLLC
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE AZ 85251

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OFFICE OF PETITIONS

In re Application of
Richard L. Cook et al.
Application No. 12/464,400
Filed: May 12, 2009
Attorney Docket No. QD.0119

: DECISION DISMISSING
: PETITION

This is a decision on the petition filed July 23, 2009, in response to the Notice to File Missing Parts ("Notice") mailed May 26, 2009. The petition is treated under 37 CFR 1.182.

The application was filed May 12, 2009. However, on May 26, 2009, the Office of Data Management mailed the "Notice" stating that the application had been accorded a filing date of May 12, 2009, but that the drawings of Figure 7, described in the specification, appeared to have been omitted.

In response, petitioner argues that the drawings filed upon application included Figure 7. The petition is also accompanied by a copy of a sheet of drawings purported to be that of Figure 7.

A review of the evidence presented reveals that the drawing sheet included with the petition is identical to a paper included with the application papers submitted on filing. However, while the drawing sheets are identical and while it has been shown that said sheet was filed with the original application papers, neither of the sheets are labeled.

Based on petitioners' representations it appears that upon filing a paper was intended to be Figure 7 as described in the specification. However, pursuant to 37 CFR 1.84, the figure was not properly labeled.[1] Thus, the petition is **DISMISSED** without prejudice to

[1] 37 CFR 1.84 (t-u):

(t) Numbering of sheets of drawings. The sheets of drawings should be numbered in consecutive Arabic numerals, starting with 1, within the sight as defined in paragraph (g) of this section. These numbers, if present, must be placed in the middle of the top of the sheet, but not in the margin. The numbers can be placed on the right-hand side if the drawing extends too close to the middle of the top edge of the usable surface. The drawing sheet numbering must be clear and larger than the numbers used as reference characters to avoid confusion. The number of each sheet should be shown by two Arabic numerals placed on either side of an oblique line, with the first being the sheet number and the second being the total number of sheets of drawings, with no other marking.

reconsideration because petitioners have not supplied a copy of the drawings with the proper labeling. Petitioners must supply drawings labeled as Figure 7 with a renewed petition.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision. If no response is received within two (2) months, the application will be forwarded to the Office of Patent Application Processing for further processing and without Figure 7 as part of the original disclosure.

The petition fee in the amount of $400.00 has been applied.

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

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

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

(u) Numbering of views.(1) The different views must be numbered in consecutive Arabic numerals, starting with 1, independent of the numbering of the sheets and, if possible, in the order in which they appear on the drawing sheet(s). Partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter. View numbers must be preceded by the abbreviation "FIG." Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear. (2) Numbers and letters identifying the views must be simple and clear and must not be used in association with brackets, circles, or inverted commas. The view numbers must be larger than the numbers used for reference characters. that partial views intended to form one complete view, on one or several sheets, must be identified by the same number followed by a capital letter.

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SUITE 6000
SCOTTSDALE AZ 85251

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JAN 27 2010

OFFICE OF PETITIONS

In re Application of
Richard L. Cook et al.
Application No. 12/464,400
Filed: May 12, 2009
Attorney Docket No. QD.0119

: DECISION DISMISSING
: PETITION

This is a decision on the request for reconsideration filed January 19, 2010, in response to the decision dismissing the petition filed July 23, 2009, to accord a filing date under 37 CFR 1.182.

The application was filed May 12, 2009. However, on May 26, 2009, the Office of Data Management mailed the "Notice" stating that the application had been accorded a filing date of May 12, 2009, but that the drawings of Figure 7, described in the specification, appeared to have been omitted. In response and with a one month extension of time, petitioner argued that the drawings filed upon application included Figure 7. The petition was also accompanied by a copy of a sheet of drawings purported to be that of Figure 7. A review of the evidence presented revealed that the drawing sheet included with the petition was identical to a paper included with the application papers submitted on filing. However, while the drawing sheets were identical and while it had been shown that said sheet was filed with the original application papers, neither of the sheets were properly labeled. The petition therefore was dismissed, without prejudice to reconsideration, because the figures were not so labeled in accordance with 37 CFR 1.84.

On the request for reconsideration, petitioners have supplied drawings labeled as Figure 7.

It is obvious from the petition and the resubmitted/re-labeled drawings however, that no figures were actually missing on May 12, 2009. Rather, the figures were mislabeled and as a result of the applicants' filing error, failed to identify the drawings as Figure 7. However, as was indicated in the previous decision, the "Notice" mailed on May 26, 2009, was correct in stating that Figure 7 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn. As well, the present petition was not necessitated by any error on the part of the Office and thus, the petition fee will not be refunded.

The petition is **DISMISSED**.

The Office of Patent Application Processing will be notified to process the application with the filing date of May 12, 2009 and to use the application papers filed on that date and the corrected page of drawings containing Figure 7, filed with the instant request for reconsideration.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MAIL

JAN 07 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of
OHKITA, HIDEKI
Application No. 12/464,446
Filed: May 12, 2009
Attorney Docket No. SUTOSH.400AUS

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 November 24, 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 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/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,447	05/12/2009	Jonathon P. Baker	007185.00034	1594

22907 7590 02/19/2010
BANNER & WITCOFF, LTD.
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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.

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

In re Application of :
BAKER, JONATHON P. et al :
Application No. 12/464,447 :
Filed: May 12, 2009 :
Attorney Docket No. 007185.00034 :
Title: WIND TURBINE WITH DEPLOYABLE AIR DEFLECTORS

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 30, 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 416/023.000) 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.

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

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Paper No.

MAILED

APR 20 2010

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of :
David Mottram :
Application No. 12/464,633 : DECISION ON PETITION
Filed: May 12, 2009 : PURSUANT TO
Attorney Docket No. P/5291-3 : 37 C.F.R. § 1.47(B)
(V12069) :
Title: VIBRATION-ACTIVATED :
FLASHLIGHT :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(b), filed November 24, 2009.

This petition pursuant to 37 C.F.R. § 1.47(b) is **DISMISSED.**

Receipt of the two concurrently submitted sheets of replacement drawings is acknowledged.

On May 12, 2009, the application was filed, identifying David Mottram as the sole inventor. The application was deposited without an oath or declaration. On May 26, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, notifying applicant, *inter aia*, that a fully executed oath or declaration and the associated surcharge were required. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
(2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;

(3) a statement of the last known address of the non-signing inventor;
(4) proof that either:
    (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted the petition fee, the surcharge that is associated with the late submission of an oath or declaration, a declaration of facts, proof of irreparable damage,[1] and the last known address of the non-signing inventor.[2]

Requirements (1) - (3) and (6) of Rule 1.47(b) have been satisfied. Requirements (4), (5), and (7) have not been satisfied.

Regarding the fourth requirement of Rule 1.47(b), Petitioner has set forth that the non-signing inventor "refuses to refuse to execute an application for patent, or cannot be found or reached after diligent effort."[3] Petitioner cannot have it both ways. It does not make sense for one to allege the address of a non-signing inventor is unknown, and then suggest the inventor has refused to sign. He can either claim the person cannot be located, whereby he does not have to establish the inventor received the application papers, or he can allege a refusal to sign. If he is alleging a refusal to sign, he must establish that a *bona fide* attempt was made to present a copy of the application papers to the non-signing inventor[4] (which would require a known address).

On renewed petition:

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1 Petition, page 2.
2 Miller declaration of facts, page 2.
3 Petition, page 1. It is noted that on the second page of this petition, Petitioner indicates that the non-singing inventor "cannot be found or reached."
4 See MPEP § 409.03(d).

- If Petitioner chooses to assert that the non-signing inventor has refused to sign, no additional action need be taken, other than for him to provide the Office with this statement, since **it is clear that a complete copy of the application was sent to the last known address of the non-signing inventor, and that the package was successfully delivered to that address.**[5]

- If Petitioner chooses to assert that the non-signing inventor cannot be found, he will be required to both indicate why he believes the last known address to be invalid in light of the delivery confirmation from the United Parcel Service, and establish that a diligent effort has been made to locate the non-signing inventor. There is no indication that a search was performed for the non-signing joint inventor. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.[6] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, or the Internet. If it is then averred that such attempts failed, then applicant will have provided the necessary proof required under 37 C.F.R. § 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details.

Regarding the fifth requirement of 37 C.F.R. § 1.47(b), Petitioner has failed to prove sufficient proprietary interest in the subject matter to justify the filing of the application,[7] in that in that the chain of title is not complete.[8] Petitioner has not established that the non-signing inventor assigned his rights to RDI, Inc, the purported assignee. Neither executed assignment documents nor a Reel and Frame number where the recordation of this assignment may be found has been provided with this petition. Furthermore, there is no record in the Office's Patent Application Location and Monitoring System (PALM) of an assignment involving this application. These facts fail to establish that RDI, Inc. has any proprietary interest in the

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5 Miller declaration of facts, pages 2-3. See also Exhibit D, submitted with this petition.
6 See MPEP § 409.03(d).
7 See 35 U.S.C. § 118, 37 CFR § 1.47(b), and MPEP § 409.03(f).
8 See 37 C.F.R. § 3.73(b).

application at hand, and the record does not support a finding that the inventor assigned any rights in the present invention to the purported assignee.[9] On renewed petition, in order to establish proprietary interest pursuant to MPEP § 409.03(f), Petitioner is to provide either a signed copy of an agreement assigning the invention described in this application to the purported assignee, a signed agreement to assign all inventions to the purported assignee, or a legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would, by the weight of authority in that jurisdiction, award title of the invention to the Rule 1.47(b) applicant.

Moreover, Petitioner has not established the right of the purported assignee to take action, pursuant to 37 C.F.R. § 3.73. See also MPEP § 324. On renewed petition, Petitioner must include a statement under 37 C.F.R. § 3.73(b).

Regarding the seventh requirement of 37 C.F.R. § 1.47(b), it does not appear that a declaration that has been executed in accordance with 37 C.F.R. § 1.47(b) with this petition. See also MPEP § 409.03(b)(A).

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[10] hand-delivery,[11] or facsimile.[12] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[13]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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9 See MPEP § 402.07 and 37 CFR § 3.71(c).
10 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
11 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
12 (571) 273-8300- please note this is a central facsimile number.
13 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[14] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

14 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,671	05/12/2009	Akira Tanaka	SUTOSH.399AUS	2044

20995 7590 12/30/2009

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
12/30/2009	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):

jcartee@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
TANAKA, AKIRA	:	DECISION ON REQUEST TO
Application No. 12/464,671	:	PARTICIPATE IN PATENT
Filed: May 12, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **SUTOSH.399AUS**	:	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 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 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 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

D.T.

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

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NOV 3 0 2009

OFFICE OF PETITIONS

In re Application of :
Duncan, et al. :
Application No. 12/464,699 : ON PETITION
Deposited: May 12, 2009 :
Attorney Docket No. 02092.0006-0100 :

This is in response to the petition under 37 CFR 1.53(e)(2), filed September 30, 2009.

Application papers in the above-identified application were deposited on May 12, 2009. However, on September 4, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. Applicants request that the application be accorded the filing date of May 12, 2009, based on an express incorporation by reference statement present in the specification on filing.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion

> of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

To the extent the instant petition requests a filing date of May 12, 2009 with no drawings present in the application on filing, the petition is **GRANTED**.

Receipt of the Amendment submitted with the petition, seeking entry of the drawings based on the incorporation by reference statement, is acknowledged.

Given the basis for granting this petition, the $400 petition fee has been refunded to Deposit Account No 06-0916.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 12, 2009**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Telephone inquiries concerning this matter may be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Supervisor
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,717	05/12/2009	Daron J. Thomas	5564-30-4	2130

33417 7590 06/18/2009

LEWIS, BRISBOIS, BISGAARD & SMITH LLP
221 NORTH FIGUEROA STREET
SUITE 1200
LOS ANGELES, CA 90012

EXAMINER	
ART UNIT	PAPER NUMBER
1794	

MAIL DATE	DELIVERY MODE
06/18/2009	PAPER

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CST

JUN 18 2009

In re application of
Daron J. Thomas et al
Serial No. 12/464,717
Filed: May 12, 2009
For: BUILT-UP ROOFING SURFACING SHEETS AND METHODS OF MANUFACTURING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on May 12, 2009 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **DENIED.**

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application contains more than three independent claims (specifically, claims 1, 16, 17 and 18 appear to be independent claims).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

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

/ Christine Tierney /

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,721	05/12/2009	Todd Krajewski	MSOLP003/034	2134

22434 7590 02/05/2010
Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND, CA 94612-0250

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
02/05/2010	ELECTRONIC

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USPTO@wavsip.com

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Weaver Austin Villeneuve & Sampson LLP
P.O. BOX 70250
OAKLAND CA 94612-0250

FEB 05 2010

In re Application of :
Krajewski et al. : DECISION ON PETITION
Application No. 12/464,721 : TO MAKE SPECIAL UNDER
Filed: 5/12/2009 : THE GREEN TECHNOLOGY
Attorney Docket No. **MSOLP003/034** : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/10/2009, 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.

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 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
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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In re Application of
Richard Wilen

Application No. 12464740

Filed: May 12,2009

Attorney Docket No. 59987-0015

:
:
: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 14-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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,779	05/12/2009	Seung June Yi	2101-3054C1C1	2256

35884 7590 08/12/2009
LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
WONG, BLANCHE	
ART UNIT	**PAPER NUMBER**
2419	

NOTIFICATION DATE	DELIVERY MODE
08/12/2009	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):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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AUG 12 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. Figueroa Street
Los Angeles CA 90017

In re Application of: Seung June YI, et al.
Application No. 12/464,779
Filed: May 12, 2009
For: RADIO COMMUNICATION SCHEME FOR PROVIDING MULTIMEDIA BROADCAST AND MULTICAST SERVICES (MBMS)

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) pilot program and the petition under 37 CFR 1.102(d), filed May 12, 2009, to make the above-identified application special.

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

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 19 2010

OFFICE OF PETITIONS

SYNTHETIC GENOMICS C/O MOFO
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130

In re Application of :
TOLEDO, Gerardo Vicente et al. :
Application No. 12/464,832 : DECISION ON PETITION
Filed: May 12, 2009 : TO WITHDRAW
Attorney Docket No. **SGI1170-1** : 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 March 30, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 29, 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- 4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **SYNTHETIC GENOMICS, INC.**
C/O DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

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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.
12/464,839	05/12/2009	George Botich	EPSI.002A	2372

20995 7590 02/25/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
RAMOS FELICIANO, ELISEO	
ART UNIT	**PAPER NUMBER**
2857	

NOTIFICATION DATE	DELIVERY MODE
02/25/2010	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):

jcartee@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
BOTICH et al.	:	DECISION ON PETITION
Application No. 12/464,839	:	TO MAKE SPECIAL UNDER
Filed: 12 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EPSI.002A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10 February 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 1 above.

In regard to item 1, petitioner should note that this application has been docketed in USPC 702/60 which 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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/464,839	05/12/2009	George Botich	EPSI.002A	2372

20995 7590 04/02/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
RAMOS FELICIANO, ELISEO	

ART UNIT	PAPER NUMBER
2857	

NOTIFICATION DATE	DELIVERY MODE
04/02/2010	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):

jcartee@kmob.com
efiling@kmob.com
2ros@kmob.com

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
BOTICH et al.	:	DECISION ON PETITION
Application No. 12/464,839	:	TO MAKE SPECIAL UNDER
Filed: 12 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. EPSI.002A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 10 February 2010 and renewed on March 29 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.

The instant petition complies with items 1 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

The PGPub of the instant application has a primary classification of 700/295. This is sufficient to render the application eligible for the Green Tech. pilot.

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

The application is being forwarded to the Technology Center Art Unit 2857 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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JUN 22 2009

Barry Choobin
Taleghani, Bahare Shomali, #219
Suite #18
Tehran, Iran, Islamic Republic of 15637-1431

In re application of : **DECISION ON PETITION**
Hossain Vafaey : **TO MAKE SPECIAL FOR**
Application No. 12/464,880 : **NEW APPLICATION**
Filed: May 13, 2009 : **UNDER 37 CFR 1.102**
For: METHOD AND SYSTEM FOR VIBRATING AN OBJECT USING CENTRIFUGAL FORCE

This is a decision on the petition filed on May 13, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition fails to comply with condition I.3, above.

Because the application was filed with a defective specification, the application is considered to not be in condition to be examined as evidenced by the Notice to File Corrected Application Papers dated May 21, 2009.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure. Given the above failure of filing a complete application, which cannot now be remedied, the petition has not been further reviewed on the merits.

DECISION

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn. Further petitions for accelerated examination in this application will not be entertained.

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: 6/21/09

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Paper No.

Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

COPY MAILED

AUG 10 2009

OFFICE OF PETITIONS

In re Application of	:	
Abramovich	:	DECISION ON PETITION
Application No. 12/464,912	:	PURSUANT TO
Filed: May 13, 2009	:	37 C.F.R. § 1.57(A)
Attorney Docket No. 7057-X09-085	:	
Title: METHOD FOR INCREASING THE AVAILABILITY OF CAPITAL FOR THE PRODUCTION OF FUTURE GOODS, SERVICES AND ACHIEVEMENTS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.57(a), filed on June 1, 2009, requesting that both the above-referenced application and a concurrently filed drawing be accorded a filing date of May 13, 2009.

Application papers in the above-identified application were deposited on May 13, 2009. However, on May 26, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, Applicant timely filed this petition, where it is acknowledged that the drawing was inadvertently omitted on submission of the present application. Applicant has argued, however, that the inadvertently omitted drawing was constructively present on filing however, due to a benefit claim that was present on filing.

It is noted that the Application Data Sheet (ADS) that was included on filing contains a benefit claim, and as such, this application claims the benefit of prior filed U.S. Provisional Application No. 61/052,653.

Applicant's arguments and evidence have been considered. However, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP § 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to MPEP § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP § 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit, *inter alia*:

> If an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

It follows that no petition is required.

It is noted that Petitioner has submitted a single figure, along with an amendment directing the entry of the same. This amendment will, of course, be reviewed by the examiner for new matter,[1] where the examiner will compare the drawing to that contained in prior-filed Application No. 61/052,653 in order to verify that is an accurate copy of the figure contained therein and that it contains no new matter. The amendment is not new matter if the substance was a part of the disclosure of prior-filed Application No. 61/052,653.

---

1 See MPEP §§ 608.02(h) and 608.04.

To the extent the present petition requests a filing date of May 13, 2009 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee will be refunded to Petitioner's Credit Card in due course.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to May 13, 2009**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing,** and;
- **for issuance of a filing receipt**.

The general phone number for OPAP is 571-272-4000. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Anthony Knight
Supervisor
Office of Petitions

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

MAILED

OCT 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Whee Won Cho et al	:	DECISION REFUSING STATUS
Application No. 12/464,947	:	UNDER 37 CFR 1.47(a)
Filed: May 13, 2009	:	
Attorney Docket No. 29936/43787	:	

This is in response to the petition under 37 CFR 1.47(a), filed July 27, 2009.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item(s) (1), set forth above.

As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing legal representative Eun Gyeong Jang, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named

inventor(s) is alleged, 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 to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate non-signing legal representative Jang. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he has access to non-signing legal representative Jang's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If a forwarding address is provided, petitioner should **then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Ms Jang's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal.** This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventor cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

On page 3 item 7 of the declaration, it is not clear if the attempt was to access Mr. Jeong's current address or Ms. Jang (the legal representative). Also, Exhibit D is not clear. Clarification is required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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IP & T LAW FIRM PLC
7700 LITTLE RIVER TURNPIKE
SUITE 207
ANNANDALE VA 22003

COPY MAILED

JAN 27 2010

In re Application of	:	
Whee Won Cho et al	:	DECISION GRANTING STATUS
Application No. 12/464,947	:	UNDER 37 CFR 1.47(a)
Filed: May 13, 2009	:	
Attorney Docket No. 29936/43787	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 13, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing legal representative of deceased inventor Cheol Mo Jeung has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing legal representative at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Technology Center AU 2811 for examination in due cource.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/464,947	05/13/2009	Whee Won Cho	29936/43787

CONFIRMATION NO. 2587

POA ACCEPTANCE LETTER

90228
IP & T Law Firm PLC
7700 Little River Turnpike
Suite 207
Annandale, VA 22003

OC000000039848023

Date Mailed: 01/26/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/13/2010.

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.

/kocreasy/

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

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
James A. Green

Application No. 12464969

Filed: May 13,2009

Attorney Docket No. 850-29

:
:
: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 06-AUG-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.

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DIW Feb-10

INGRASSIA FISHER & LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

COPY MAILED
MAR 01 2010

In re Application of :
Elz, Schleppy, Noe, and :
Pfersdorf :
Application No.: 12/465,103 :
Filed: May 13, 2009 :
Attorney Docket No.: 060.0227US :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the petition filed October 29, 2009, which is properly being treated under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on May 13, 2009, without an executed oath or declaration. Accordingly, on May 29, 2009, the Office of Data Management, Application Assistance Unit mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for it's late filing.

On October 29, 2009, petitioners filed the present petition and fee, the requisite surcharge, and an executed declaration. Petitioners assert that the application was emailed to the non-signing inventor on May 20, 2009, July 7, 2009, July 28, 2009, August 26, 2009 and September 28, 2009, but that no response was received. On October 6, 2009, petitioner states that a letter, including the Application, Drawings and declaration was sent, via Fed-Ex, to the non-signing inventor's last known address.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1).

The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an Emailed document was in a form that can be read and comprehended.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. In this case, the address shown as the last known address is not the same address shown on the envelope intended for the non-signing inventor.

Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details. Additionally, if an inventor no longer lives at the last known address, petitioners may show diligent efforts by use of a national registry or other database to determine a current address for the non-signing inventor. If a more recent address is discovered, petitioners should send or give a copy of the application papers to the inventor at that address.

As such, petitioners should attempt to determine the last known address for the non-signing inventor. Details of the efforts taken to determine the inventor's last known address should be provided with any renewed petition.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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KREMBLAS, FOSTER, PHILLIPS & POLLICK
7632 SLATE RIDGE BOULEVARD
REYNOLDSBURG, OH 43068

Mail Date: 04/20/2010

Applicant	: Geno N. Gasbarro	: DECISION ON REQUEST FOR
Patent Number	: 7662032	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/465,122	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2009	: 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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,210	05/13/2009	Matthew W. Davis	MPC0161USC2	3120

23413 7590 06/30/2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
06/30/2009	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):

usptopatentmail@cantorcolburn.com

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JUN 30 2009

23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
DAVIS, et al.
Serial No.: 12/465,210
Filed: May 13, 2009
Docket Number: MPC0161USC2
Title: **COLCHICINE COMPOSITIONS AND METHODS**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 13, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

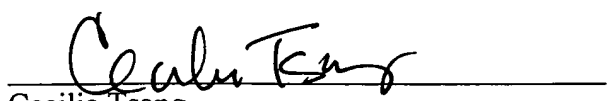
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Cecilia Tsang, Special Program Examiner, at (571) 272-0562.



Cecilia Tsang
Supervisory Patent Examiner
Technology Center 1600

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Alexandria, VA 22313-1450
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CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED

MAR 2 9 2010

OFFICE OF PETITIONS

In re Application of :
Matthew W. Davis, et al. :
Application No. 12/465,210 : NOTICE
Filed: May 13, 2009 :
Attorney Docket No. MPC0161USC2 :

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642. All other inquiries related to the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,338	05/13/2009	Katsuhiko Araki	8616P701	3379

8791 7590 04/09/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
04/09/2010	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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Blakely, Sokoloff, Taylor, and Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

In re Application of: Araki K.
Application No. 12/465,338
Filed: May 13, 2009
For: Data transmitter

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) pilot program and the petition under 37 CFR 1.102(d), filed January 11, 2010 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 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 petition is **GRANTED.**

The request to participate in the PPH pilot 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 Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	
Bales et al.	:	DECISION ON PETITION
Application No. 12/465,354	:	TO WITHDRAW
Filed: May 13, 2009	:	FROM RECORD
Attorney Docket No. 14673-141CONT2	:	

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 2, 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 Jennifer A. Camacho 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.

The request to change the correspondence address of record is not accepted in view of Jennifer A. Camacho 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.

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

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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.
12/465,491	05/13/2009	Seung-Pil Mun	62469/P849	3693

7590 06/29/2010
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER
HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
06/29/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 06/29/2010 NFARMER
05/14/2009 INTEFS# 00004140 051726 1242549
02 FC:1111 540.00 CR

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/465,500	05/13/2009	Richard G. DuBose	49783.0100	3724

20322 7590 02/18/2010

SNELL & WILMER L.L.P. (Main)
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, AZ 85004-2202

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
02/18/2010	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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SNELL & WILMER, L.L.P.
400 East Van Buren
One Arizona Center
Phoenix AZ 85004-2202

In re Application of	:	
DUBOSE, Richard	:	DECISION ON PETITION
Application No. 12/465,500	:	TO MAKE SPECIAL UNDER
Filed: May 13, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 49783.0100	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 10, 2009, 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) 2 above for the reasons explained in more detail below.

In regard to item 2, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Specifically, the instant application contains 4 independent claims.

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 Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2115 for action in its regular turn.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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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DEC 08 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of :
MORITANI, MITSUAKI :
Application No. 12/465,530 :
Filed: May 13, 2009 :
Attorney Docket No. SUTOSH.396AUS :
:

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 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:

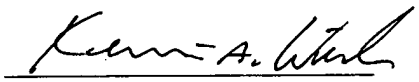
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 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

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAIL

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
TEZUKA, FUMIYOSHI :
Application No. 12/465,535 :
Filed: May 13, 2009 :
Attorney Docket No. SUTOSH.398AUS :

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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 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 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 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/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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GREENBERG TRAURIG LLP (LA)
2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

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JUN 25 2009

OFFICE OF PETITIONS

In re Application of :
W. Jean Dodds :
Application No. 12/465,603 : DECISION ON PETITION
Filed: May 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 058034-012701 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 13, 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 **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.

The instant petition does not include a statement by the applicant and no other evidence, as indicated in MPEP § 708.02, Section IV above, was provided to support the petition.

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

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 Irvin Dingle at 571-272-3210.

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 1645 for action in its regular turn.

Irvin Dingle
Petitions Examiner
Office of Petitions

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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2450 COLORADO AVENUE, SUITE 400E
INTELLECTUAL PROPERTY DEPARTMENT
SANTA MONICA, CA 90404

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OFFICE OF PETITIONS

In re Application of :
W. Jean Dodds :
Application No. 12/465,603 : DECISION ON PETITION
Filed: May 13, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 058034-012701 : 37 CFR 1.102(c)(1)
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed July 13, 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 from Inventor W. Jean Dodds stating that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210. 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 1645 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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JUL 0 2 2009

OFFICE OF PETITIONS

In re Application of :
Chiang, et al. : ON PETITION
Application No.: 12/465,666 :
Filed: May 14, 2009 :
Attorney Docket No.: 27685-US-PA :
For: OPTICAL REFLECTED TOUCH PANEL :
AND PIXELS AND SYSTEM THEREOF :

This is a decision on the petition under 37 CFR 1.47(a), filed May 14, 2009.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1).

As to item (1), applicants have failed to establish that Chrong-Jung Lin and Ya-Chin King have refused to sign the declaration or cannot be reached. A successful Rule 47 petition requires either (1) a clear refusal to join, whether expressly or by conduct, or (2) a showing of diligence in trying to find an unavailable inventor. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Ada Chang's statement of facts contains discrepancies that make the showing of refusal/inability to locate the inventors unacceptable. Ms. Chang states that on **September 25, 2008**, letters enclosed with the application, a declaration/power of attorney, and an assignment were forwarded to the two inventors via registered mail. She states, "... [T]he registered mails were not signed by both of them and the inventors did not return any relevant documents. A copy of the letter is enclosed herewith."

One of the two translated letters (the one to Mr. Lin) is dated January 20, 2009, not September 25, 2008. The translated letter to Ms. King is not dated. However, it states that a response is due by October 24, 2008.

Please provide an accurate translation of the letters that were mailed to the two non-signing inventors and clear indication as to what happened to those letters with documentary evidence of the facts asserted. The Office requires that the non-signing inventors be provided with a complete copy of the application as filed. Ms. Chang states the registered mails were not signed by both of them. Were the letters delivered? What was the due date for action?

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicants that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

If the aforementioned letters were not delivered, other attempts to contact the inventors should be made, e.g. through e-mail, Internet searches, searches of regional or national registries, or telephone searches. If other attempts to locate the non-signing inventors continue to fail, then applicants will establish that the inventors cannot be reached. The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d).

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

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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SEP 2 2 2009

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Chiang, et al. :
Application No.: 12/465,666 :
Filed: May 14, 2009 :
Attorney Docket No.: 27685-US-PA :
For: OPTICAL REFLECTED TOUCH PANEL :
AND PIXELS AND SYSTEM THEREOF :

This is a decision on the renewed petition under 37 CFR 1.47(a), filed August 18, 2009.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventors, Chrong-Jung Lin and Ya-Chin King, have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be referred to Technology Center A.U. 2629 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CHRONG-JUNG LIN
8F.-2, NO. 25, LN.23, GUANDONG RD.
EAST DISTRICT,
HSINCHU CITY 300, TAIWAN (R.O.C.)

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SEP 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Chiang, et al. :
Application No.: 12/465,666 :
Filed: May 14, 2009 :
Attorney Docket No.: 27685-US-PA :
For: OPTICAL REFLECTED TOUCH PANEL :
AND PIXELS AND SYSTEM THEREOF :

LETTER

Dear Mr. Lin:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorney of Record: JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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

YA-CHIN KING
3F.-4, NO.230, SEC.2, CHANG-AN E. RD.
ZHONGSHAN DISTRICT,
TAIPEI CITY 104, TAIWAN (R.O.C.)

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SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Chiang, et al. :
Application No.: 12/465,666 :
Filed: May 14, 2009 :
Attorney Docket No.: 27685-US-PA :
For: OPTICAL REFLECTED TOUCH PANEL AND PIXELS AND SYSTEM THEREOF :

LETTER

Dear Ms. King:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorney of Record: JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

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JUL 31 2009

OFFICE OF PETITIONS

In re Application of :
Moshe Meller :
Application No. 12/465,877 : DECISION ON PETITION
Filed: May 14, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. HORVAT : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 17, 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) 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 a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 2839 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INGRASSIA FISHER
& LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of
Vennettilli, et al.
Application No. 12/465,921
Filed: 14 May, 2009
Attorney Docket No. 060.0229US

DECISION ON PETITION

This is a decision on the petition filed on 23 October, 2009, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor to ensure transmittal to the non-signing

inventors a copy of the entire application (description, claims, abstract, drawings) with a copy of the transmittal letter) to the non-signing inventor(s).)

In particular, Petitioner, inter alia, has not as of this writing satisfied the showing requirement, as discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record reflects as follows:

The application was deposited on 14 May, 2009, without, *inter alia*, a fully executed oath/declaration

On 27 May, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 23 September, 2009, Petitioner Timothy J. Lorenz (Reg. No. 41,954) filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Mr. Massimiliano for himself and on behalf of Nando Vennettilli (Mr. Vennettilli), averred to be the non-signing co-inventor, with a statement as to the current/valid/reasonably believed to be last known address for Mr. Vennettilli. The materials were sent by one other than Petitioner, who transmitted the materials (averred to have included the entire application (description, claims, abstract and drawings) with the oath/declaration by Email, and then to the non-signing inventor at a street address, however, there was no delivery and the location was closed or "customer unavailable." However, there is no showing that a diligent effort was made by Petitioner to ascertain the validity of that address presented as the last known address.

Petitioner must resolve these matters on any renewed petition and is reminded that a grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner must satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX:
(571) 273-8300
ATTN: Office of Petitions

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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INGRASSIA FISHER
& LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of
Vennettilli, et al.
Application No. 12/465,921
Filed: 14 May, 2009
Attorney Docket No. 060.0229US

DECISION ON PETITION

This is a decision on the petition filed on 15 February, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

BACKGROUND

The record reflects as follows:

The application was deposited on 14 May, 2009, without, *inter alia*, a fully executed oath/declaration

On 27 May, 2009, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 23 September, 2009, Petitioner Timothy J. Lorenz (Reg. No. 41,954) filed, *inter alia*, a petition (with fee) pursuant to 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Mr. Massimiliano for himself and on behalf of Nando Vennettilli (Mr. Vennettilli), averred to be the non-signing co-inventor, with a statement as to the current/valid/reasonably believed to be last known address for Mr. Vennettilli. The materials were sent by one other than Petitioner, who transmitted the materials (averred to have included the entire application (description, claims, abstract and drawings) with the oath/declaration by Email, and then to the non-signing inventor at a street address, but there was no delivery and the location was closed or "customer unavailable." Moreover, there was no showing that a diligent effort was made by Petitioner to ascertain the validity of that address presented as the last known address. The petition was dismissed on 15 December 2009.

On 23 September, 2009, Petitioner Lorenz filed over his signature and registration, *inter alia*, a statement of Alberto Pisoni (Mr. Pisoni), averred employee of averred assignee, in support of the petition pursuant to 37 C.F.R. §1.47, and therein Mr. Pisoni states that the non-signing inventor acknowledged to Mr. Pisoni receipt of the entire application and refusal to sign/join in the oath/declaration. Thus, the Office accepts Petitioner's signed submission of the petition and the statement by Mr. Pisoni as a concurrent statement that Petitioner has properly inquired to ascertain the accuracy of that representation consistent with their duty of candor to the Office. (*See*: 37 C.F.R. §1.4, §10.18, MPEP §410. If Petitioner has not made this inquiry, he must do so, and if this inquiry evidences that history of events is not consistent with the statement by Mr. Pisoni, Petitioner must immediately so notify the Office. Similarly, the Office is accepting Petitioner's representations in support of his contention of the non-signing inventor's failure to sign/join in the oath/declaration thereafter—thus demonstrating, *inter alia*, the non-signing inventor's constructive refusal to sign. Petitioner so seeks to evidence compliance with the requirements of a grantable petition under 37 C.F.R. §1.47(a): (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. (Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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NANDO VENNETTILLI
VIA LARO ROSSI 36/12
10155 TURIN
ITALY

MAILED

MAR 23 2010

OFFICE OF PETITIONS

In re Application of :
Vennettilli, et al. : COMMUNICATION
Application No. 12/465,921 :
Filed: 14 May, 2009 :
Attorney Docket No. 060.0229US :

Dear Nando Vennettilli:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
INGRASSIA FISHER
& LORENZ, P.C. (GME)
7010 E. COCHISE ROAD
SCOTTSDALE AZ 85253

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVENUE, N.W.
WASHINGTON DC 20036

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of :
Stanley Lobel :
Application No. 12/465,937 :
Filed: May 14, 2009 :
Attorney Docket No. 61030.0004 :

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 May 14, 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 states that the inventor is 65 years of age or older. A declaration by Stanley Lobel was submitted with the petition. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3208.

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 1794 for action on the merits commensurate with this decision.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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RABIN & BERFO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of :
XIAO-DONG RUAN :
Application No. 12/465,953 : DECISION ON PETITION
Filed: May 14, 2009 : TO WITHDRAW
Attorney Docket No. **TF04B10015** : 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** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with the above-identified application has been revoked by the applicants of the patent application on May 16, 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: COVENANT IP CONSULTING CO.
P.O. BOX 34-306 TAIPEI CITY
TAIPEI 10499 TW TAIWAN

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL

JUN 16 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,039 :
Filed: May 14, 2009 :
Attorney Docket No. **341760US2SRD DIV** :

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 May 14, 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED JUN 23 2009

ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

In re Application of: GLADNEY ET AL.
Application No.: 12/466,155
Filed: May 14, 2009
Title: PRE-CONDITIONED FOAM PAD

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 14, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.2, 6.3, 6.4 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the two page PTO/SB/28 form, the "pre-examination search document" including pages 1-18; the "accelerated examination support document" comprising pages 1-98, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A).

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 29 subclasses 91.1, 428, 446, 452. Searching in class 72 subclasses 237, 246, 181, 187, 226, 234 and class 100 subclass 35 also appear on point. The class/subclass search on pages 2 and 3 do not have a search date. With regard to the keyword search, it appears that not all terminology in the claims was searched. Keywords that appear in the claims or are related to terms in the claims should be searched. For example words such as (aging or age), accelerated, bed, roll, force, deform, deforming, deformation, hinge, spring, system, machine, device, tool, apparatus must be included in the search.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are*

not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.

Petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. For example in claim 1 as related to the discussion of Spann, there is no discussion of whether the reference discloses the first element of the claim. In addition, since the search is incomplete as noted above, it is not clear whether other references will be found that need to be discussed.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, petitioner has not addressed all of the dependent claims. If dependent claims are not considered to include any additional patentable subject over that noted in the independent claim, then the AESD should positively state such.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference each independent claim specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification and in any priority documents. Petitioner has not shown support for each limitation in provisional applications 61/192575 and 61/204727.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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 all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

Linda J. Sholl
Special Programs Examiner
Technology Center 3700

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ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

In re Application of: Gladney et al.
Application No.: 12/466,155
Filed: May 14, 2009
Docket: SMCY-127-101
Title: PRE-CONDITIONED FOAM PAD

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 23, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391

Linda Sholl

Linda Sholl, Special Programs Examiner
Technology Center 3700

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,243 :
Filed: May 14, 2009 :
Attorney Docket No. **341830US2SRD DIV** :

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 May 14, 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 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

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AC Innovations LLC/Craig C. Conrad
411 E. McDermott Drive
Allen TX 75002

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of :
William L. Willison :
Application No. 12/466,256 : DECISION ON PETITION
Filed: May 14, 2009 :
Attorney Docket No. **WILLISON-0001** :

This is a decision on the petition, filed March 1, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED AS MOOT**.

Our records indicate that the instant application has never been held abandoned. Therefore, the petition is deemed unnecessary.

Telephone inquires concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 3741 for processing in the normal course of business.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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OCT 05 2009

GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

In re application of	:	**DECISION ON PETITION**
Chaffee et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/466,327	:	**NEW APPLICATION**
Filed: May 14, 2009	:	**UNDER 37 CFR 1.102**
For: PROJECT MANAGEMENT SYSTEM		

This is a decision on the petition filed on May 14, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

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1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications

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under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.1 and II.5.2.

Regarding condition II.5.1, it is required that Applicant's search involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement. Applicant did not search most of the database files suggested by the search template. Applicant is reminded that search templates, specific to each class/subclass, may be found at http://www.uspto.gov/web/patents/searchtemplates/. For example, the instant application is best classified in 705/9. Looking toward the available search templates and recommended areas of search for class 705/9 (see http://www.uspto.gov/web/patents/searchtemplates/class705-008.htm), some of the more relevant search areas would include a text search in the listed Non-Patent Literature database files. A comprehensive list of recommended database files is found on the 705/9 search template web page as well. Especially relevant to the claimed subject matter are database files such as:

ABI/INFORM
ACM Digital Library
Business & IndustryTM (B&I)
Business Wire
Dialog Global Reporter
EBSCOhost Research Databases
Gale Group Computer DatabaseTM
Gale Group GlobalbaseTM
Gale Group New Product Announcements/Plus (NPA/Plus)
Gale Group Newsletter DatabaseTM
Gale Group PROMT
Gale Group Trade & Industry DatabaseTM
Inside Conferences
Inspec (The Database for Physics, Electronics and Computing)
JSTOR Journals
McGraw-Hill Companies Publications Online
ProQuest Direct
TecInfoSource (formerly SoftBase: Reviews, Companies, and Products)
Wall Street Journal Abstracts
Wilson Applied Science & Technology Abstracts

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Additionally, a search of the US class and subclass that the instant application is classified in should be performed. Therefore, a search of class and subclass 705/9 for the instant application should be conducted.

As per condition II.5.2, the preexamination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation. Applicant did not give the claims the broadest reasonable interpretation by employing adequate synonyms and truncations to the search strategies so as not to overly narrow or overly broaden the searches.

A recommended search query for the above features that may be executed in all databases of East is as follows:

L1 ((rank$3 or priorit$8 or order$3 or list$3 or weigh$4) near8 (project$1 or task$1 or job$1 or assignment$1 or work$1 or duty or duties) near8 (cost$3 or expense$1 or resource$1))
L2 ((time or timing or timeperiod$1 or timeframe$1 or (time near3 (period$1 or frame$1))) near5 (project$1 or task$1 or job$1 or assignment$1 or work$1 or duty or duties))
L3 ((assign$3 or manag$3 or allocat$4 or appoint$5 or designat$4) near5 (project$1 or task$1 or job$1 or assignment$1 or work$1 or duty or duties))
L4 L1 and L2 and L3

Please keep in mind that this is a non-limiting search suggestion and is only meant to serve as a possible starting point for Applicant's preexamination search. Additional guidance regarding the proper manner of performing and documenting a preexamination search may be found on the following web site: http://www.uspto.gov/web/patents/accelerated/. Applicant is expected to perform more supplemental searches than the sample search query listed above.

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered

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timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to C. Michelle Tarae at (571) 272-6727, Business Practice Specialist.

/C. Michelle Tarae/
C. Michelle Tarae
Business Practice Specialist
Technology Center 3600

CMT/10/5/09

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SANTA MONICA, CA 90404

In re application of	:	**DECISION ON RENEWED**
Alexander Chaffee et al.	:	**PETITION TO MAKE**
Application No. 12/466,327	:	**SPECIAL FOR**
Filed: May 14, 2009	:	**NEW APPLICATION**
For: PROJECT MANAGEMENT SYSTEM	:	**UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on November 6, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Teri P. Luu, at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

TL/tl: 05/12/08

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,429 :
Filed: May 15, 2009 :
Attorney Docket No. 341734US2SRD DIV :

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 May 15, 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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In re Application of
Anthony DiBello

Application No. 12466492

Filed:

Attorney Docket No. DIBE.6061US1-NY

:
:
: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-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.

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ALEXANDRIA VA 22314

MAIL

JUN 29 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,518 :
Filed: May 15, 2009 :
Attorney Docket No. 341770US2SRD DIV :

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 May 15, 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:

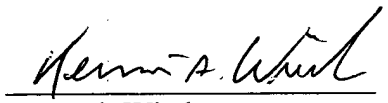
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
Carlson, Gogel, and Bryan :
Application No. 12/466,534 : DECISION REFUSING STATUS
Filed: May 15, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 01370.0198USU1 :
For: **MANAGING ELECTRIC POWER CONSUMPTION**

This is a decision on the petition under 37 CFR 1.47(a), filed August 31, 2009.

The petition under 37 CFR 1.47(a) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on May 15, 2009, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on May 29, 2009, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The petition under 37 CFR 1.47(a) was filed on August 31, 2009, with a request for an extension of time within the first month.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) set forth above.

As to item (1), petitioner did not provide sufficient proof that inventor Carlson cannot be located. Although petitioner states that correspondence was sent to the last known address for inventor Carlson as garnered from his last known employer, this alone, does not satisfy the diligence requirement of 37 CFR 1.47(a). Section 409.03(d) of the *Manual of Patent Examining Procedure* provides guidance as to what will suffice as sufficient proof that the non-signing inventor cannot be reached as is alleged in the instant petition. This section states, in pertinent part, as follows:

> [w]here 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 statement of facts.

Petitioner has demonstrated that a copy of the application papers was sent to inventor Carlson at an address that is defunct. In order to satisfy the diligence requirement, petitioner must provide some evidence of other efforts to locate inventor Carlson according to the guidance provided by MPEP 409.03(d) cited above.

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

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

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of :
Carlson, Gogel, and Bryan :
Application No. 12/466,534 : DECISION NOTING JOINDER
Filed: May 15, 2009 :
Attorney Docket No. 01370.0198USU1 :
For: **MANAGING ELECTRIC POWER CONSUMPTION**

This is in response to the renewed petition filed February 24, 2010, noting the joinder of inventor Carlson in the above-cited application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously non-signing inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration executed by the joint inventors is noted and made of record.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,552 :
Filed: May 15, 2009 :
Attorney Docket No. **341836US2SRD DIV** :

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 May 15, 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 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

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,723 :
Filed: May 15, 2009 :
Attorney Docket No. 341755US2SRD DIV :

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 May 15, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,771	05/15/2009	Takeshi Chujoh	341790US2SRD DIV	6543

22850 7590 08/04/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/04/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI ET AL	:	DECISION ON REQUEST TO
Application No. 12/466,771	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **341790US2SRD DIV**	:	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 May 15, 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 3 above.

Regarding item 3, all the claims in the US application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application. In this instant US application, the amended claim 1 does not sufficiently correspond to claim 2 of JPO application 2008-151017. For example, claim 1 of US application recites "means for determining", while claim 2 of JPO application recites "means for selecting".

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 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,771	05/15/2009	Takeshi Chujoh	341790US2SRD DIV	6543

22850 7590 10/26/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
10/26/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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1940 DUKE STREET
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In re Application of	:	
CHUJOH, TAKESHI et al	:	DECISION ON REQUEST TO
Application No. 12/466,771	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 341790US2SRD DIV	:	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 2, 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 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

D.T

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,778	05/15/2009	Takeshi CHUJOH	342024US2SRD DIV	6554

22850 7590 08/04/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
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EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/04/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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1940 DUKE STREET
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In re Application of	:	
CHUJOH, TAKESHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/466,778	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 342024US2SRD DIV	:	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 May 15, 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 will be examined as "special" once the application has completed all its pre-exam processing.

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

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,810 :
Filed: May 15, 2009 :
Attorney Docket No. 341800US2SRD DIV :

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 May 15, 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
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
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MAR 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Takeshi Chujoh et al.	:	
Application No. 12/466,810	:	RESPONSE TO PETITION
Filed: May 15, 2009	:	
Attorney Docket No. 341800US2 SRD DIV	:	

This is a response to the petition under 37 CFR 1.59(b), filed January 19, 2010, to expunge information from the above identified application.

The petition is **granted**.

On January 13, 2010, a Request for Reconsideration to an Office Action was filed in the above-identified application. The amendment was intended for U.S. Application No. 11/424,386 but was matched with the above identified application. Petitioner now requests that this amendment be removed from the file of the above identified application.

Upon a showing satisfactory to the Director, information, other than that forming part of the original disclosure, may be expunged from an application. Since the Office can determine the correct application file for which the erroneously filed papers were intended from the other identifying information on the papers, the papers will be removed as requested.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. However, this is not the practice for electronic documents, for which the corresponding action is to close the electronic copy of the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the unintentionally filed Request for Reconsideration (EFS ID: 6805686) filed January 13, 2010 in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

For the reasons discussed in the petition, petitioner is not required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

In regard to the requested refund of the one month extension of time, $130.00 was charged by mistake to the above identified application in association with the Request for Reconsideration. Accordingly $130.00 will be refunded to Deposit Account 15-0030.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,822 :
Filed: May 15, 2009 :
Attorney Docket No. 341777US2SRD DIV :

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 May 15, 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:

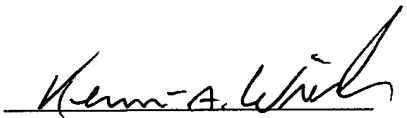
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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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Commissioner for Patents
United States Patent and Trademark Office
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

COPY MAILED
NOV 16 2009
OFFICE OF PETITIONS

In re Application of :
Hideo Ichikawa :
Application No. 12/466,824 : ON PETITION
Filed: May 15, 2009 :
Attorney Docket No. 040894-7747 :

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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JUN 29 2009

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/466,829 :
Filed: May 15, 2009 :
Attorney Docket No. 341750US2SRD DIV :

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 May 15, 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:

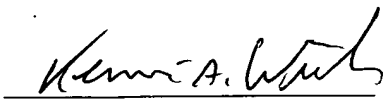
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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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JUN 16 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,836 :
Filed: May 15, 2009 :
Attorney Docket No. **341852US2SRD DIV** :

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 May 15, 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 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,889	05/15/2009	TAKESHI CHUJOH	341762US2SRD DIV	6818

22850 7590 08/04/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/04/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/466,889	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 341762US2SRD DIV	:	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 May 15, 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 will be examined as "special" once the application has completed all its pre-exam processing.

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

DT

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,840	05/15/2009	Daryoush Allaei	102.014US01	6696

27073 7590 02/05/2010
LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

EXAMINER	
LOOK, EDWARD K	

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
02/05/2010	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):

docketing@ljp-iplaw.com

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LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS MN 55458-1009

In re Application of :
ALLAEI, DARYOUSH :
Application No. 12/466,840 :
Filed: May 15, 2009 :
Attorney Docket No. 102.014US01 :
Title: KINETIC HYDROPOWER GENERATION SYSTEM AND INTAKE THEREFORE

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 11, 2009, 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 415/001) 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

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Jin-Wang Lai et al. :
Application No. 12/466,855 : DECISION ON PETITION
Filed: May 15, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. EURA-066/02US : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 27, 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 or a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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.

David Bucci
Petitions Examiner
Office of Petitions

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,858 :
Filed: May 15, 2009 :
Attorney Docket No. **341805US2-SRD-DIV**: :

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 May 15, 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 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,883	05/15/2009	Takeshi CHUJOH	341740US2SRD DIV	6803

22850 7590 08/04/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/04/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/466,883	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 341740US2SRD DIV	:	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 May 15, 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 will be examined as "special" once the application has completed all its pre-exam processing.

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

D.To

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,892	05/15/2009	David Kostuch	20080423-002	6823

7590 08/07/2009

Roger L. Belfay
829 Tuscarora Avenue
Saint Paul, MN 55102

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
08/07/2009	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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Roger L. Belfay
829 Tuscarora Avenue
Saint Paul MN 55102

In re Application of: KOSTUCH, David Serial No.: 12/466,892 Filed: May 15, 2009 Title: CLARIFYING FILTER	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on May 15, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:
1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of

any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsections 5 and 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 5.1 above, it appears the search outlined in the petition omitted a critical search area by not searching in class 362 subclasses 311.01+ and 84 at a minimum to include a light source having a translucent or transparent modifier. Any renewed petition should include the above outlined additional searching.

Regarding the requirements of section II, subsection 6, the support document supplied by petitioner does not satisfy the requirements set forth in items 6.1, 6.2, 6.3 and 6.5. The petition fails to provide an Information Disclosure Statement (IDS) meeting the requirements of 37 CFR 1.98. Therefore it is not clear what references applicant deem to be most closely related to the instant invention. The discussion of references section of the petition suggests petitioner is of the opinion only two references are closely related to the invention while the petition list seven other U.S. patent references. Neither the discussion nor the listing meets the requirements of 37 CFR 1.98. Further, if only two references are being cited by petitioner as being closely related to the instant invention, an explanation of why petitioner is disregarding the other references should be provided.

Regarding the requirements of section II, subsection 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in the references and where the limitations are disclosed in the cited references. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. More specifically, each reference on the IDS should be discussed indicating what it discloses with respect to each of the claim limitations followed by a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). 37 CFR 1.111(c) states in part that "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited." The support document does not mention any claim nor where each limitation is disclosed. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For these reasons, the petition does not meet the requirement of subsection 6.2.

Regarding the requirements of section II, subsection 6.5 outlined above, the petition requires a showing of where ***each limitation*** (italics added) of the claims finds support under 35 USC 112, first paragraph in the written description of the specification. The support document simply states "(s)upport in the disclosure under 35 USC 112, first paragraph, is found the parent

application. It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found.

Discussion

It is noted that petitioner has requested that this application be made special because it is directed to energy. MPEP 708.02 states, the U.S. Patent and Trademark Office will, on petition, accord "special" status to all patent applications for inventions which materially contribute to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. The petition under 37 CFR 1.102 must state that special status is sought because the invention materially contributes to category (A) or (B) set forth above. No fee is required for such a petition, 37 CFR 1.102(c). If the application disclosure is not clear on its face that the claimed invention materially contributes to category (A) or (B), the petition must be accompanied by a statement under 37 CFR 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to category (A) or (B). Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to category (A) or (B).

In this case, it is not clear from the application disclosure how the claimed invention materially contributes to category (A) or (B). Further, petitioner has not provided a statement of how the claimed invention materially contributes to category (A) or (B.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,892	05/15/2009	David Kostuch	20080423-002	6823

75028 7590 11/24/2009
DAVID RICHARD KOSTUCH
1078 REANEY AVE.
ST. PAUL, MN 55106

EXAMINER	
ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
11/24/2009	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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DAVID RICHARD KOSTUCH
1078 REANEY AVE.
ST. PAUL MN 55106

In re Application of: KOSTUCH, David Serial No.: 12/466,892 Filed: May 15, 2009 Attorney Docket No.: 20080423-002 Title: CLARIFYING FILTER	: : : : : :	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.2

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on August 7, 2009. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of September 8, 2009, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

Jose' G. Dees, Quality Assurance Specialist
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/466,919	05/15/2009	Nobuhiro Umeda	142075	6871

7590 04/27/2010

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER	
JARRELL, NOBLE E	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
04/27/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 04/26/2010 NFARMER
05/15/2009 INTEFSU 00002643 040100 12466919
02 FC:1111 540.00 CR
05 FC:1201 660.00 CR
06 FC:1203 350.00 CR

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TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,945 :
Filed: May 15, 2009 :
Attorney Docket No. **341846US2SRD DIV** :

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 May 15, 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 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

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,954 :
Filed: May 15, 2009 :
Attorney Docket No. **341775US2SRD DIV** :

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 May 15, 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:

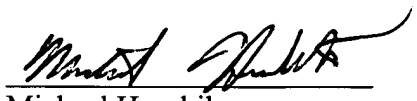
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 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

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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of :
CHUJOH, TAKESHI, et al :
Application No. 12/466,955 :
Filed: May 15, 2009 :
Attorney Docket No. **341785US2RD DIV** :

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 May 15, 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:

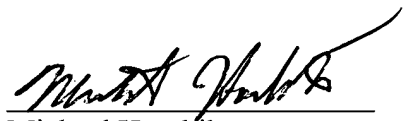
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 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
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1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 12/467033
Filed: May 15, 2009
Attorney Docket No. 341729US2SRD DIV

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 May 15, 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:

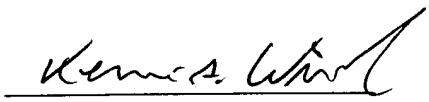
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,040	05/15/2009	Ken HATANO	SUTOSH.392AUS	7133

7590 05/07/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
05/07/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Refund Ref: [illegible]

Credit Card Refund Total: $340.00

Adjustment date: 05/06/2010 [illegible]
05/18/2009 INTEFSU 00003564 12467040
02 FC:1111 -340.00 CP

FORM PET651G (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,054	05/15/2009	Ken HATANO	SUTOSH.393AUS	7167

20995 7590 03/17/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
03/17/2010	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):

jcartee@kmob.com
efiling@kmob.com
2ros@kmob.com

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MAR 17 2010

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Ken HATANO
Application No. 12467054
Filed: May 15, 2009
For: INFORMATION PROCESSING APPARATUS AND SECURITY PROTECTION METHOD

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 10, 2010, 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 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 failed to meet the requirement of items (3) above.

Claim 1 of the US application does not sufficiently correspond to allowed claim 1 of the Japanese application; the whereby clauses at the end of the two claims are significantly different.

Claim 6 of the US application does not sufficiently correspond to allowed claim 5 of the Japanese application; there is no "setting" step in claim 6 of the US application.

Accordingly, the Petition is **DISMISSED**.

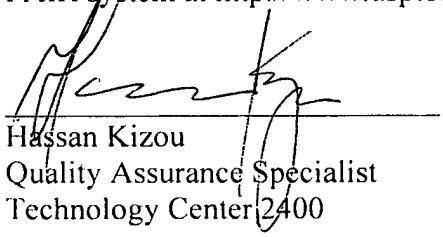
Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

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

Responses 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 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.



Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

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NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of
Ian James Hardman, James Joseph Sealy, Colin John Hall, Mark Stephen James Beard and David George Whyte
Application No. 12/467,064
Filed: May 15, 2009
Attorney Docket No. VAC.0868US

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed August 26, 2009.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Mark Stephen James Beard has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing using the declaration filed August 26, 2009.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

MR. MARK STEPHEN JAMES BEARD
4 MONKS CLOSE
WEST MOORS, FERNDOWN
DORSET
BH22 0HE
UNITED KINGDOM

In re Application of :
Ian James Hardman, James Joseph Sealy, Colin :
John Hall, Mark Stephen James Beard and :
David George Whyte :
Application No. 12/467,064 : LETTER
Filed: May 15, 2009 :
For: OPEN-CAVITY, REDUCED-PRESSURE :
TREATMENT DEVICES AND SYSTEMS :

Dear Mr. Beard:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

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OFFICE OF PETITIONS

KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO IL 60606

In re Application of :
Hardman, et al. :
Application No. 12/467,064 : ON PETITION
Filed: May 15, 2009 :
Atty Dckt No. VAC.0868US :

This is a decision on the petitions filed March 9, 2010, under: (a) 37 CFR 1.48(a)(1) requesting that persons be added as inventors and (b) under 37 CFR 1.183 waiver of the requirement under 37 CFR 1.48 that each actual inventor execute a declaration under 37 CFR 1.63, and (c) 37 CFR 1.183 to waive the requirement of 37 CFR 1.64 that each actual inventor execute the declaration under 37 CFR 1.63.

The petition under 37 CFR 1.48(a) is **GRANTED**.

The petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.48 that an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47 be filed is also **GRANTED**.

The petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.64 that each actual inventor execute the declaration is **DISMISSED AS MOOT**.

On May 15, 2009, the above-identified application was filed with an executed declaration naming Ian Hardman, James Sealy, Colin Hall, Mark Beard, and David Whyte as joint inventors.

On March 9, 2010, petitions were filed, whereby petitioners sought to add Christopher Brian Locke and Timothy Mark Robinson as joint inventors. Petitioners concurrently filed petitions requesting waiver of the requirement that all joint inventors execute a new declaration and waiver of the requirement that each actual inventor execute the declaration under 37 CFR 1.63.

It is noted that a petition under 37 CFR 1.47 is not appropriate under the circumstances of this application. Section

201.03(II)(B) of the *Manual of Patent Examining Procedure* provides guidance on this point. Specifically, it states that:

> 37 CFR 1.47 is available to meet the requirement for an oath or declaration under 37 CFR 1.63 as for example where A, B, and C were originally named as inventors and D who refuses to cooperate is to be later added as an inventor. The oath or declaration under 37 CFR 1.63 of inventor D may be supplied pursuant to 37 CFR 1.47(a), but note that the required 37 CFR 1.48(a)(2) statement must still be supplied by inventor D (an unlikely event in view of the inability to obtain the executed oath or declaration under 37 CFR 1.63), or waiver thereof petitioned under 37 CFR 1.183. Alternatively, where D is to be added as an inventor (where inventors A, B, and C have previously executed the application under 37 CFR 1.63) and it is original inventor A who refuses to cooperate, the statement under 37 CFR 1.48(a)(2) is only required to be signed by inventor D. Originally named inventor A is merely required to reexecute an oath or declaration in compliance with 37 CFR 1.63. Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and are not applicable to the reexecution of another oath or declaration by A. In such circumstances, a petition under 37 CFR 1.183 should be considered requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors, i.e., inventor A, execute the oath or declaration, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the reexecution of the oath or declaration will be evaluated as to whether the nonsigning inventor was actually given the opportunity to reexecute the oath or declaration, or whether the nonsigning inventor could not be reached.

In this instance, petitioner has secured the signatures of all but one of the original joint inventors, and secured the signature of the joint inventors to be added. It is also noted that petitioner has secured the consent of the assignee to add inventors Locke and Robinson to the application. Accordingly, this petition is most appropriately treated as a petition under 37 CFR 1.48(a) to add Mr. Locke and Mr. Robinson as joint inventors and, as to inventor Beard, a petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.48 that an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 be filed. The petitions under 37 CFR 1.48(a)(1) requesting that persons be added as inventors and under 37 CFR 1.183 waiver of the requirement under 37 CFR 1.48 that each actual inventor execute a declaration under 37 CFR 1.63 are granted.

The petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 that each actual inventor execute the declaration under

37 CFR 1.63 is dismissed as moot because each inventor, except inventor Beard has execute the declaration under 1.63. It is noted that a petition under 37 CFR 1.47(a) was granted on November 5, 2009, as to inventor Beard. As noted in the MPEP section cited above, the oath or declaration of Beard can be accepted pursuant to 37 CFR 1.47(a). As status under 37 CFR 1.47(a) was previously granted to this application as to inventor Beard, it is not necessary to waive the requirements of 37 CFR 1.64 as to inventor Beard. The petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 is dismissed, accordingly.

The amount of $400.00 will be refunded, in due course.

The application file is being directed to Technology Center GAU 3761 further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/467,064	05/15/2009	3761	2180	VAC.0868US	30	5

CONFIRMATION NO. 7196

CORRECTED FILING RECEIPT

60402
KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

Date Mailed: 06/15/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ian Hardman, Bournemouth, UNITED KINGDOM;
David George Whyte, Wareham, UNITED KINGDOM;
Christopher Brian Locke, Bournemouth, UNITED KINGDOM;
Timothy Mark Robinson, Basingstoke, UNITED KINGDOM;
James Joseph Sealy, New Milton, UNITED KINGDOM;
Colin John Hall, Poole, UNITED KINGDOM;
Mark Stephen James Beard, Ferndown, UNITED KINGDOM;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/109,410 10/29/2008
and claims benefit of 61/109,486 10/29/2008
and claims benefit of 61/109,390 10/29/2008
and claims benefit of 61/109,448 10/29/2008

Foreign Applications

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 05/21/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/467,064**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

OPEN-CAVITY, REDUCED-PRESSURE TREATMENT DEVICES AND SYSTEMS

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,073	05/15/2009	Takeshi CHUJOH	341841US2SRD DIV	7216

22850 7590 08/04/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
08/04/2009	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
CHUJOH, TAKESHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/467,073	:	PARTICIPATE IN PATENT
Filed: May 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 341841US2SRD DIV	:	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 May 15, 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 will be examined as "special" once the application has completed all its pre-exam processing.

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

D.T

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United States Patent and Trademark Office
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MAY 20 2009

Heslin, Rothenberg, Farley & Mesiti, PC
5 Columbia Circle
Albany, NY 12203

In re application of : **DECISION ON PETITION**
David L. Hansen : **TO MAKE SPECIAL FOR**
Application No. 12/467,083 : **NEW APPLICATION**
Filed: May 15, 2009 : **UNDER 37 CFR 1.102**
For: BULK MATERIAL COVER COMPOSITIONS

This is a decision on the petition filed on May 15, 2009 to make the above-identified application special for Environment under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The petition to make special for Environment under 37 C.F.R. § 1.102(d) is not acceptable at least because the application was not limited to 20 claims or less, as required in the above Federal Register Notice of June 26, 2006. It appears that the petition was filed under the guidelines for making an application special that were in effect prior to August 25, 2006. As of August 25, 2006 the new guidelines replaced the old guidelines. Since applicant's petition was received on May 15, 2009, the petition must be considered under the new guidelines and thus is properly **DENIED**.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

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: 5/19/00

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Stoel Rives, LLP – SLC
201 South Main Street, Suite 1100
One Utah Center
Salt Lake City, UT 84111

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MAY 28 2010

OFFICE OF PETITIONS

In re Application of :
Steven D. Powell et al. :
Application No. 12/467,106 : DECISION ON PETITION
Filed: May 15, 2009 : TO WITHDRAW
Attorney Docket No. 34549/35 : 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 March 25, 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 all attorneys/agents associated with customer number 32642 have been revoked by the assignee of the patent application on March 30, 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 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: Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

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Paper No.

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2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

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OFFICE OF PETITIONS

In re Application of :
Leonid Rozenboim :
Application No. 12/467,116 : DECISION ON PETITION
Filed: May 15, 2009 : PURSUANT TO
Attorney Docket No. 108144-200901/US : 37 C.F.R. § 1.47(B)
Title: METHOD AND SYSTEM FOR COST-EFFECTIVE POWER LINE COMMUNICATIONS FOR SENSOR DATA COLLECTION :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(b), filed August 25, 2009.

On May 15, 2009, this application was deposited, identifying Leonid Rozenboim the sole inventor. On May 26, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the associated surcharge. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
(2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;
(3) a statement of the last known address of the non-signing inventor;

(4) proof that either:
    (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted, *inter alia*, the petition fee, a declaration that has been executed by the president of the purported Assignee along with the surcharge that is associated with the late submission of the same, a statement of the last known address of the non-signing inventor,[1] an assertion that the non-singing inventor has refused to sign the declaration,[2] proof that a complete copy of the application was sent to the last known address of the non-signing inventor,[3] and proof of irreparable damage.[4] Petitioner further included a one-month extension of time, so as to make timely this submission.

Requirements (1) - (4) and (6) - (7) of Rule 1.47(b) have been satisfied. Requirement (5) has not been satisfied.

Regarding the fifth requirement of Rule 1.47(b), Petitioner has failed to prove sufficient proprietary interest in the subject matter to justify the filing of the application,[5] in that the chain of title is not complete.[6] Petitioner has not established that the non-signing inventor assigned his rights to Tigo Energy, Inc, the purported assignee.

No assignment documents pertaining to this application have been provided, and no Reel and Frame number where the recordation of this assignment may be found has been provided. Furthermore, there is no record in the Office's Patent Application Location and Monitoring System of an Assignment involving this application. These facts fail to establish that the purported

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1 Petition, page 1.
2 Id.
3 Id. and Exhibits A and B.
4 Petition, page 2.
5 See 35 U.S.C. § 118, 37 C.F.R. § 1.47(b), and MPEP § 409.03(f).
6 See 37 C.F.R. § 3.73(b).

assignee has any proprietary interest in the application at hand, and it appears that the inventor never assigned any rights in the present invention to the corporation.[7]

Petitioner has submitted a copy of an "independent contractor agreement" between the non-signing inventor and the purported Assignee, and it is noted that the assignment of intellectual property rights is expressly limited to "…inventions and Intellectual Property developed or performed pursuant to this agreement."[8] As the Office has no way of determining whether the subject matter of this application was developed or performed pursuant to the agreement, the Office cannot determine if the inventor assigned his rights to this application to the purported Assignee. As such, it has not been established that the rights to this application have been assigned to his former employer.

On renewed petition, Petitioner should provide **a legal memorandum signed by an attorney familiar with the law of the jurisdiction** (California)[9] stating that a court of competent jurisdiction would, by the weight of the authority, award title to the invention to the Rule 47(b) applicant.

Moreover, the submission of the independent contractor agreement **has not been "accompanied by 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."[10]

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any such renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[11] hand-delivery,[12] or facsimile.[13]

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7 See MPEP § 402.07 and 37 C.F.R. § 3.71(c).
8 Independent contractor agreement, page 4, paragraph 12(a).
9 Independent contractor agreement, page 6, paragraph 23.
10 Rule 3.73(b)(i). Rule 3.73(b)(ii) does not apply, as it does not appear that any assignment pertaining to this application has been recorded.
11 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
12 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
13 (571) 273-8300- please note this is a central facsimile number.

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[14]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[15] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

14 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
15 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

COPY MAILED

DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Leonid Rozenboim	:	
Application No. 12/467,116	:	DECISION ON RENEWED PETITION
Filed: May 15, 2009	:	PURSUANT TO
Attorney Docket No. 108144-200901/US	:	37 C.F.R. § 1.47(B)
Title: METHOD AND SYSTEM FOR COST-EFFECTIVE POWER LINE COMMUNICATIONS FOR SENSOR DATA COLLECTION	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(b), filed November 23, 2009.

This renewed petition is **GRANTED**.

On May 15, 2009, this application was deposited, identifying Leonid Rozenboim the sole inventor. On May 26, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the associated surcharge. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
(2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;

(3) a statement of the last known address of the non-signing inventor;
(4) proof that either:
    (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(b) was filed on August 25, 2009, along with, *inter alia*, the petition fee, a declaration that has been executed by the president of the purported Assignee along with the surcharge that is associated with the late submission of the same, a statement of the last known address of the non-signing inventor,[1] an assertion that the non-singing inventor has refused to sign the declaration,[2] proof that a complete copy of the application was sent to the last known address of the non-signing inventor,[3] and proof of irreparable damage.[4] Petitioner further included a one-month extension of time, so as to make timely the submission.

The original petition was dismissed via the mailing of a decision on October 1, 2009, which indicated that requirements (1) - (4) and (6) - (7) of Rule 1.47(b) had been satisfied.

With this renewed petition, Petitioner has included a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would, by the weight of the authority, award title to the invention to the Rule 47(b) applicant, as well as a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was submitted for recordation on October 8, 2009 and was recorded at Reel No. 023347, Frame No. 0117.

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1 Original Petition, page 1.
2 Id.
3 Id. and Exhibits A and B, submitted with the original petition.
4 Original petition, page 2.

It follows that requirement (5) of Rule 1.47(b) has been satisfied. Consequently, each of the requirements of 37 C.F.R. § 1.47(b) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(b). This application is hereby accorded Rule § 1.47(b) status.

As provided in Rule § 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[5] 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

5 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Leonid Rozenboim
15280 Willow Drive
Los Gatos, CA 95032

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of :
Leonid Rozenboim :
Application No. 12/467,116 :
Filed: May 15, 2009 : LETTER
Attorney Docket No. 108144-200901/US :
Title: METHOD AND SYSTEM FOR COST-EFFECTIVE POWER LINE COMMUNICATIONS FOR SENSOR DATA COLLECTION :

Dear Mr. Rozenboim:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the 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 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

UNITED STATES PATENT AND TRADEMARK OFFICE

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2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

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OCT 0 1 2009

OFFICE OF PETITIONS

In re Application of	:	
Leonid Rozenboim	:	
Application No. 12/467,117	:	DECISION ON PETITION
Filed: May 15, 2009	:	PURSUANT TO
Attorney Docket No. 108144-200801/US	:	37 C.F.R. § 1.47(B)
Title: METHOD AND SYSTEM FOR CURRENT-MODE POWER LINE COMMUNICATIONS	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(b), filed August 25, 2009.

On May 15, 2009, this application was deposited, identifying Leonid Rozenboim the sole inventor. On May 26, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the associated surcharge. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
(2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;
(3) a statement of the last known address of the non-signing inventor;

(4) proof that either:
    (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

With this petition, Petitioner has submitted, *inter alia*, the petition fee, a declaration that has been executed by the president of the purported assignee along with the surcharge that is associated with the late submission of the same, a statement of the last known address of the non-signing inventor,[1] an assertion that the non-singing inventor has refused to sign the declaration,[2] proof that a complete copy of the application was sent to the last known address of the non-signing inventor,[3] and proof of irreparable damage.[4] Petitioner further included a one-month extension of time, so as to make timely this submission.

Requirements (1) - (4) and (6) - (7) of Rule 1.47(b) have been satisfied. Requirement (5) has not been satisfied.

Regarding the fifth requirement of Rule 1.47(b), Petitioner has failed to prove sufficient proprietary interest in the subject matter to justify the filing of the application,[5] in that the chain of title is not complete.[6] Petitioner has not established that the non-signing inventor assigned his rights to Tigo Energy, Inc, the purported assignee.

No assignment documents pertaining to this application have been provided, and no Reel and Frame number where the recordation of this assignment may be found has been provided. Furthermore, there is no record in the Office's Patent Application Location and Monitoring System of an Assignment involving this application. These facts fail to establish that the purported

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1 Petition, page 1.
2 Id.
3 Id. and Exhibits A and B.
4 Petition, page 2.
5 See 35 U.S.C. § 118, 37 C.F.R. § 1.47(b), and MPEP § 409.03(f).
6 See 37 C.F.R. § 3.73(b).

assignee has any proprietary interest in the application at hand, and it appears that the inventor never assigned any rights in the present invention to the corporation.[7]

Petitioner has submitted a copy of an "independent contractor agreement" between the non-signing inventor and the purported Assignee, and it is noted that the assignment of intellectual property rights is expressly limited to "…inventions and Intellectual Property developed or performed pursuant to this agreement."[8] As the Office has no way of determining whether the subject matter of this application was developed or performed pursuant to the agreement, the Office cannot determine if the inventor assigned his rights to this application to the purported Assignee. As such, it has not been established that the rights to this application have been assigned to his former employer.

On renewed petition, Petitioner should provide **a legal memorandum signed by an attorney familiar with the law of the jurisdiction** (California)[9] stating that a court of competent jurisdiction would, by the weight of the authority, award title to the invention to the Rule 47(b) applicant.

Moreover, the submission of the independent contractor agreement **has not been "accompanied by 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."[10]

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any such renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[11] hand-delivery,[12] or facsimile.[13]

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7 See MPEP § 402.07 and 37 C.F.R. § 3.71(c).
8 Independent contractor agreement, page 4, paragraph 12(a).
9 Independent contractor agreement, page 6, paragraph 23.
10 Rule 3.73(b)(i). Rule 3.73(b)(ii) does not apply, as it does not appear that any assignment pertaining to this application has been recorded.
11 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
12 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
13 (571) 273-8300 - please note this is a central facsimile number.

Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[14]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[15] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

14 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
15 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 15 2009

OFFICE OF PETITIONS

GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

In re Application of	:	
Leonid Rozenboim	:	
Application No. 12/467,117	:	DECISION ON RENEWED PETITION
Filed: May 15, 2009	:	PURSUANT TO
Attorney Docket No. 108144-200801/US	:	37 C.F.R. § 1.47(B)
Title: METHOD AND SYSTEM FOR CURRENT-MODE POWER LINE COMMUNICATIONS	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(b), filed November 23, 2009.

This renewed petition is **GRANTED**.

On May 15, 2009, this application was deposited, identifying Leonid Rozenboim the sole inventor. On May 26, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring, *inter alia*, a fully executed oath or declaration and the associated surcharge. This Notice set a two-month period for reply.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

(1) the petition fee of as set forth in 37 C.F.R. § 1.17(g);
(2) the surcharge as set forth in 37 C.F.R. § 1.16(e), if the petition is not filed at the time of filing the application;

(3) a statement of the last known address of the non-signing inventor;
(4) proof that either:
    (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
    (b) proof that diligent efforts have been made to locate the non-signing inventor
(5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
(6) proof of irreparable damage, and;
(7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(b) was filed on August 25, 2009, along with, *inter alia*, the petition fee, a declaration that has been executed by the president of the purported assignee along with the surcharge that is associated with the late submission of the same, a statement of the last known address of the non-signing inventor,[1] an assertion that the non-singing inventor has refused to sign the declaration,[2] proof that a complete copy of the application was sent to the last known address of the non-signing inventor,[3] and proof of irreparable damage.[4] Petitioner further included a one-month extension of time, so as to make timely the submission.

The original petition was dismissed via the mailing of a decision on October 1, 2009, which indicated that requirements (1) - (4) and (6) - (7) of Rule 1.47(b) had been satisfied.

With this renewed petition, Petitioner has included a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would, by the weight of the authority, award title to the invention to the Rule 47(b) applicant, as well as a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was submitted for recordation on October 8, 2009 and was recorded at Reel No. 023347, Frame No. 0031.

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1 Petition, page 1.
2 Id.
3 Id. and Exhibits A and B.
4 Petition, page 2.

It follows that requirement (5) of Rule 1.47(b) has been satisfied. Consequently, each of the requirements of 37 C.F.R. § 1.47(b) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(b). This application is hereby accorded Rule § 1.47(b) status.

As provided in Rule § 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[5] 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

5 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).

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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DEC 15 2009

OFFICE OF PETITIONS

Leonid Rozenboim
15280 Willow Drive
Los Gatos, CA 95032

In re Application of :
Leonid Rozenboim :
Application No. 12/467,117 :
Filed: May 15, 2009 :
Attorney Docket No. 108144-200801/US : LETTER
Title: METHOD AND SYSTEM FOR CURRENT-MODE POWER LINE COMMUNICATIONS :

Dear Mr. Rozenboim:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the 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.C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the attorney of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA CA 90404

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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NOV 05 2009

OFFICE OF PETITIONS

KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

In re Application of :
James Joseph Sealy, Keith Patrick Heaton, :
Colin John Hall, Christopher Guy Coward, and :
Mark Stephen James Beard : DECISION ACCORDING STATUS
Application No. 12/467,123 : UNDER 37 CFR 1.47(a)
Filed: May 15, 2009 :
Attorney Docket No. VAC.0895US :

This is a decision in response to the petition under 37 CFR 1.47(a) filed August 26, 2009.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Mark Stephen James Beard has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing using the declaration filed August 26, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
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
www.uspto.gov

MR. MARK STEPHEN JAMES BEARD
4 MONKS CLOSE
WEST MOORS, FERNDOWN
DORSET
BH22 0HE
UNITED KINGDOM

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NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of
James Joseph Sealy, Keith Patrick Heaton,
Colin John Hall, Christopher Guy Coward, and
Mark Stephen James Beard
Application No. 12/467,123
Filed: May 15, 2009
For: REDUCED-PRESSURE, DEEP-TISSUE CLOSURE SYSTEMS AND METHODS

LETTER

Dear Mr. Beard:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

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

JUN 15 2009

Law Offices of Eric Karich
2807 St. Mark Dr.
Mansfield, TX 76063

In re application of
William K. Hilfiker et al.
Application No. 12/467,158
Filed: May 15, 2009
For: METHOD FOR CONSTRUCTING A MECHANICALLY STABILIZED EARTHEN EMBANKMENT USING SEMI-EXTENSIBLE STEEL SOIL REINFORCEMENTS

: **DECISION ON PETITION**
: **TO MAKE SPECIAL FOR**
: **NEW APPLICATION**
: **UNDER 37 CFR 1.102**

This is a decision on the petition filed on May 15, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation

of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2, II.6.2, II.6.3 and II.6.5, above.

As to condition II.5.2, the petition lacks an indication of a preexamination classification search that encompasses all of the features of the claims. The classification search needs to additionally include a search of 405/286 and 405/284.
Furthermore, with respect to the required text search of the US Patents database, it is not clear that such a search has been undertaken since the search logic used by the applicant does not appear to have been provided. It is unclear if the search adequately directed search terms to cover the claimed limitations and thus may not have located all of the most pertinent art. Search logic encompassing the "broadest reasonable interpretation" of the claimed invention is required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: http://www.uspto.gov/web/patents/accelerated/.
Additionally, an example of additional search terms are provided below:

(soil or earth or fill or sand) AND (reinfor$5 or embankment or embed$3 or anchor$3) AND (retaining adj wall)

The sample of search terms is not meant to be the sole search that can or should be employed in this application, but is meant solely as an example for applicant's assistance. Additionally, a search of at least the foreign databases of the EPO, JPO and WIPO are generally required, as is a search of Non-Patent Literature (NPL) databases. Although a search of Google Database is indicated (and would be acceptable as a sufficient NPL search), the specific search logic used is not provided, with only a "summary" of the logic recited. The same example shown above for the text search can also be used in the search of foreign databases and in the NPL search.

Given the above-noted search deficiencies, the closest prior art may not have been located and submitted.

Regarding item II.6.2, the manner in which applicant has chosen to provide the Identification of Limitations Disclosed by References is confusing. Because the claim is largely explained in terms of what is taught using the language of the references themselves rather than listing the limitations of the claim, there currently is not an adequate explanation specifying what limitations are taught and where each of the limitations (or portions thereof) are disclosed in each of the references. While there is no mandatory format needed to be followed, an explanation of the references as applicant has done does not clearly enough identify what limitations are taught, and is not sufficient to meet the above condition.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. Given the lack of clarity of what is specifically taught by the prior art uncovered, above, and the additional statements, in this detailed explanation of patentability, of what is taught without any locations of the teachings in the references, a determination of the sufficiency of the detailed explanation of patentability cannot be determined until after the identification of the claimed limitations is perfected. If all of the limitations of the claim, except for the two listed under what is not taught by the prior art, are properly identified as being taught and specified where each limitation is located, the detailed explanation of claim patentability may be sufficient as applicant has provided.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at:
http://www.uspto.gov/web/patents/accelerated/

As to condition to II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is sufficient. However, similar support (if any) for the claimed invention must additionally be shown in any parent application upon which priority is claimed under 35 USC 119. Specifically, for provisional application 61/054,012, a listing of where the limitations of the claims find support is necessary in order to allow the examiner to determine the effective filing date of the claim.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously.

However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 6/14/09

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

MAILED

APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Ioan Lucian Prejbeanu	:	
Application No. 12/467,171	:	DECISION ON PETITION
Filed: May 15, 2009	:	TO WITHDRAW
Attorney Docket No. 17082.4005	:	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 4, 2010.

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

A review of the file record indicates that the power of attorney to Orrick, Herrington & Sutcliffe, LLP has been revoked by the assignee of the patent application on March 17, 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: **PEARNE & GORDON LLP**
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

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.
12/467,191	05/15/2009	Ghulam Hasnain	54900	7491

28241 7590 02/22/2010

THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

EXAMINER	
ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
02/22/2010	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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THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON CA 94583

In re Application of	:	
Ghulam HASNAIN	:	DECISION ON PETITION
Application No. 12/467,191	:	TO MAKE SPECIAL UNDER
Filed: 15 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54900	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 21 January 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 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 315/302) 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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,191	05/15/2009	Ghulam Hasnain	54900	7491

28241 7590 06/15/2010

THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON, CA 94583

EXAMINER	
ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
06/15/2010	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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THE LAW OFFICES OF CALVIN B. WARD
18 CROW CANYON COURT, SUITE 305
SAN RAMON CA 94583

In re Application of	:	
Ghulam HASNAIN	:	DECISION ON PETITION
Application No. 12/467,191	:	TO MAKE SPECIAL UNDER
Filed: 15 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54900	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 21 January 2010 and renewed on 27 May 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) and amended by 75 Federal Register Notice 28554 (21 May 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 and amended by 75 FR 28554 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 – 9 above. Accordingly, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

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NOV 0 5 2009

OFFICE OF PETITIONS

In re Application of
Christopher Guy Coward, Mark Stephen James Beard, Colin John Hall, Ian James Hardman, Keith Patrick Heaton, James Joseph Sealy and David George Whyte
Application No. 12/467,211
Filed: May 15, 2009
Attorney Docket No. VAC.0894US

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed August 26, 2009.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Mark Stephen James Beard has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing using the declaration filed August 26, 2009.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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NOV 0 5 2009

OFFICE OF PETITIONS

MR. MARK STEPHEN JAMES BEARD
4 MONKS CLOSE
WEST MOORS, FERNDOWN
DORSET
BH22 0HE
UNITED KINGDOM

In re Application of :
Christopher Guy Coward, Mark Stephen James :
Beard, Colin John Hall, Ian James Hardman, :
Keith Patrick Heaton, James Joseph Sealy and :
David George Whyte : LETTER
Application No. 12/467,211 :
Filed: May 15, 2009 :
For: REDUCED-PRESSURE, ABDOMINAL :
TREATMENT SYSTEMS AND METHODS :

Dear Mr. Beard:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: KINETIC CONCEPTS, INC.
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, WILLIS TOWER
CHICAGO, IL 60606

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D.A. STAUFFER PATENT SERVICES LLC
1006 MONTFORD ROAD
CLEVLAND HTS. OH 44121-2016

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JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
O. Lynn Barnett :
Application No. 12/467,273 : DECISION ON PETITION
Filed: May 16, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. LB-102 div : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 18, 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 by the applicant's representative that he/she is in possession of evidence showing the inventor is 65 years or age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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.

David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,286	05/17/2009	Donald Bobowick	BOBO-0001	7728

50010 7590 06/21/2010

LAW OFFICE OF MICHAEL A. BLAKE, LLC
95 HIGH STREET
SUITE 5
MILFORD, CT 06460

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
06/21/2010	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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LAW OFFICE OF MICHAEL A. BLAKE, LLC
95 HIGH STREET
SUITE 5
MILFORD CT 06460

In re Application of	:	
BOBOWICK, DONALD	:	DECISION ON PETITION
Application No. 12/467286	:	TO MAKE SPECIAL UNDER
Filed: May 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. BOBO-0001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 06/07/2010, 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 **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 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 petition lacks item(s) #8.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee $300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

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 Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3748 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.
12/467,286	05/17/2009	Donald Bobowick	BOBO-0001	7728

50010 7590 07/06/2010

LAW OFFICE OF MICHAEL A. BLAKE, LLC
95 HIGH STREET
SUITE 5
MILFORD, CT 06460

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
07/06/2010	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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LAW OFFICE OF MICHAEL A. BLAKE, LLC
95 HIGH STREET
SUITE 5
MILFORD CT 06460

In re Application of	:	
BOBOWICK, DONALD	:	DECISION ON PETITION
Application No. 12/467286	:	TO MAKE SPECIAL UNDER
Filed: May 17, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. BOBO-0001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed June 24, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

COPY MAILED

NOV 24 2009

OFFICE OF PETITIONS

In re Application of :
Brunner, Jaentschel, Krause, :
Steinert, and Tischer :
Application No. 12/467,328 : DECISION ON PETITION
Filed: May 18, 2009 : PURSUANT TO
Attorney Docket No. A-4843 : 37 C.F.R. § 1.47(A)
Title: GATHERER STITCHER WITH :
VARIABLE CHAIN PITCH :

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on September 29, 2009.

This petition is **DISMISSED**.

On May 18, 2009, the application was filed, identifying Messrs. Brunner, Jaentschel, Krause, Steinert, and Tischer as joint inventors. An unexecuted declaration was included on filing. On May 29, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On September 29, 2009, Petitioner submitted this petition in response to the notice, along with, *inter alia*, a declaration that has been executed by each of the joint inventors save Mr. Krause, the fee that is associated with the late submission of an oath or declaration, the petition fee, a two-month extension of time so as to make timely the response, and the last-known address of the non-signing inventor.[1]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

1 See petition, page 2.

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known addresses of the non-signing inventors;
(4) either
    a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
    b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

Petitioner has met requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a).

Regarding the fourth requirement of 37 C.F.R. § 1.47(a), Petitioner has not submitted adequate proof that diligent efforts have been made to locate the non-signing inventors. Petitioner has set forth that the non-signing joint inventor "cannot be reached."[2] As such, Petitioner is required to establish that a diligent effort was made to locate each non-signing inventor. However the petition is silent as to any search that might have been performed for this individual. There is no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.[3] Petitioner must provide a showing detailing the attempts that were made to obtain a forwarding address or to locate the non-signing inventor by means such as through E-mail, telephone, and the Internet. If these searches are sufficiently broad so as to provide a reasonable opportunity to locate this individual, and it is then averred that such attempts failed, then Petitioner will have provided the necessary proof required under 37 C.F.R. § 1.47 that the non-signing inventor cannot be reached. Details of the efforts to locate the non-signing inventor are to be set forth in an affidavit or declaration of facts by a person having first hand knowledge of the details.

2 Petition, page 1.
3 See MPEP § 409.03(d).

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 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 any of Petitioner's further action(s).

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ALEXANDRIA, VA 22313-1450
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Paper No.

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Brunner, Jaentschel, Krause, :
Steinert, and Tischer :
Application No. 12/467,328 : DECISION ON RENEWED PETITION
Filed: May 18, 2009 : PURSUANT TO
Attorney Docket No. A-4843 : 37 C.F.R. § 1.47(A)
Title: GATHERER STITCHER WITH :
VARIABLE CHAIN PITCH :

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on December 10, 2009.

This renewed petition is **DISMISSED**.

On May 18, 2009, the application was filed, identifying Messrs. Brunner, Jaentschel, Krause, Steinert, and Tischer as joint inventors. An unexecuted declaration was included on filing. On May 29, 2009, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (notice) was mailed, requiring a fully executed oath or declaration and the surcharge associated with the late submission of the same. The notice set a two-month period for response.

On September 29, 2009, Petitioner submitted an original petition pursuant to Rule 1.47(a) in response to the notice, along with, *inter alia*, a declaration that has been executed by each of the joint inventors save Mr. Krause, the fee that is associated with the late submission of an oath or declaration, the petition fee, a two-month extension of time so as to make timely the response, and the last-known address of the non-signing inventor.[1]

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

1 See petition, page 2.

(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 C.F.R. § 1.16(f);
(3) a statement of the last known addresses of the non-signing inventors;
(4) either
  a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  b) proof that the non-signing inventor cannot be found or reached after diligent effort, and;
(5) a declaration which complies with 37 C.F.R. § 1.63.

The original petition was dismissed via the mailing of a decision on November 24, 2009, which indicated that requirements (1) - (3) and (5) of 37 C.F.R. § 1.47(a) have been satisfied. The decision further indicated that regarding the fourth requirement, the record failed to support a finding that a diligent search was performed for this individual (since Petitioner indicated that the non-signing joint inventor "cannot be reached,"[2] Petitioner is required to establish that a diligent effort was made to locate the non-signing inventor).

However, this renewed petition is silent as to any search that might have been performed for this individual. As such, there is still no indication that the Rule 47 applicant attempted to verify the address of the non-signing inventor or to determine his forwarding address, and to send the complete application papers to that address for consideration by the inventor.[3]

If reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.47(a)". This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner should note that any statement that appears

2 Original petition, page 1.
3 See MPEP § 409.03(d).

therein should be made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

Alternatively, if Petitioner is in a position to assert that the Calden address is a valid address for the non-signing inventor, before filing the second renewed petition, Petitioner should mail a complete copy of the application to the non-signing joint inventor,[4] and provide him with a reasonable period of time to respond. Petitioner will need to establish that the document is written in the language of the recipient. Moreover, if the Calden address is asserted to be the last known address for the non-signing inventor, either a declaration or a supplemental Application Data Sheet will be required to correct the information which appears in the declaration that was submitted with the original petition (which contains an address in the city of Weißensberg for the non-signing inventor).

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[5] hand-delivery,[6] or facsimile.[7] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[8]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

---

4 On renewed petition, Petitioner has established that on October 7, 2009, Cornelia Roßler (who also appears to spell her name as Kornelia Roßler) sent a letter to the non-signing inventor at an address in Calden Germany, and that the city name was not properly spelled on this letter (the letter was addressed to an address in Calben (emphasis added)).
5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.[9]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

9 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 any of Petitioner's further action(s).

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

HENSLEY KIM & HOLZER, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER CO 80264

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Karl Siegfried Schroeder :
Application No. 12/467,490 : DECISION ON PETITION
Filed: May 18, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 788-002-USP : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 18, 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 by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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.

David Bucci
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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MAILED

MAY 10 2010

OFFICE OF PETITIONS

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, NW
WASHINGTON DC 20005

In re Application of	:	
Zhi-Gang JIANG	:	
Application No. 12/467,757	:	DECISION ON PETITION
Filed: May 18, 2009	:	TO WITHDRAW
Attorney Docket No. 2826.0120002/EJH/OAL	:	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 22, 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 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 Elizabeth J. Haanes, Ph.D. on behalf of the attorneys of record associated with Customer No. 26111.

The attorneys of record associated with Customer No. 26111 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 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

cc: PANACEA PHARMACEUTICALS, INC.
209 PERRY PARKWAY, SUITE 13
GAITHERSBURG MD 20877

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
12/467,757	05/18/2009	ZHI-GANG JIANG	2826.0120002/EJH/OAL

CONFIRMATION NO. 8647

POWER OF ATTORNEY NOTICE

26111
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

Date Mailed: 05/05/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2010.

- 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.

/dcgoodwyn/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/467,827	05/18/2009	Hidehiro YOSHIDA	P36609	8768

52123 7590 10/16/2009

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
10/16/2009	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

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

Greenblum & Bernstein, PLC
1950 Roland Clarke Place
Reston, VA 20191

In re Application of
Hidehiro YOSHIDA et al
Application No.: 12/467,827
Filed: 18 May 2009
Attorney Docket No.: P36609
For: ORGANIC ELEMENT AND MANUFACTURING METHOD THEREOF

: 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 05 August 2009, 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 and 3-7 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 2.

Specifically, applicant has not filed a copy of the allowable/patentable claims from the JPO application. Additionally, applicant has not filed an English translation of the allowable/patentable claims and has not filed a statement that the English translation is correct.

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.

Darren Schuberg
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.
12/467,827	05/18/2009	Hidehiro YOSHIDA	P36609	8768

52123 7590 01/14/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER	
HINES, ANNE M	

ART UNIT	PAPER NUMBER
2879	

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, PLC
1950 Roland Clarke Place
Reston, VA 20191

In re Application of
Hidehiro YOSHIDA et al
Application No.: 12/467,827
Filed: 18 May 2009
Attorney Docket No.: P36609
For: ORGANIC ELEMENT AND MANUFACTURING METHOD THEREOF

: 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 05 August 2009, to make the above-identified application special.

In light of the additional elements filed 10/30/09, 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

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.
12/467,942	05/18/2009	Philip D. Floyd	IRDM.098DV1/IDC-040060D1	8999

7590 11/25/2009

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
1792	
MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
11/25/2009 2030977174

Credit Card Refund Total: $760.00

Master Ca [illegible]2003

Adjustment date: 11/25/2009 NFARMER
05/19/2009 INTEFSW 00004852 12467942
02 FC:1111 -540.00 DP
04 FC:1201 -220.00 DP

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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KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

MAILED

JUL 17 2009

OFFICE OF PETITIONS

In re Application of :
Kamilo Feher :
Application No. 12/467,995 : DECISION ON PETITION
Filed: May 18, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. CARDIAC 05 670Tree : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 18, 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 by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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.

David Bucci
Petitions Examiner
Office of Petitions

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JUL 0 1 2010

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

In re application of
Ueno et al.
Application No. 12/468,002
Filed: May 18, 2009
For: MOBILE TELEPHONE

: 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 May 21, 2010, 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 the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request 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 complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

The application will be forwarded to the examiner of record for action commensurate with this decision.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, 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.

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 06/29/10

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WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

COPY MAILED
FEB 18 2010

In re Application of :
Srinivasan et al. :
Application No. 12/468,023 : ON PETITION
Filed : May 18, 2009 :
Attorney Docket No. 35580-705.201 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 8, 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 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 the undersigned 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 1639 for action on the merits commensurate with this decision.

Joan Olszewski
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
www.uspto.gov

In re Application of
Lawrence E. Tannas

Application No. 12468027

Filed: May 18,2009

Attorney Docket No. TNS-009.1

:
:
: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 09-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.

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12468027	Confirmation Number	9159	Filing Date	2009-05-18
Attorney Docket Number (optional)	TNS-009.1	Art Unit	2871	Examiner	not yet assigned
First Named Inventor	Lawrence E. Tannas Jr.				
Title of Invention	Customized Electronic Displays and Methods of Customizing the Physical Size and/or Shape Thereof				

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
Lawrence	E.	Tannas	Jr.

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	/william a english/	Date (YYYY-MM-DD)	2009-10-09
Name	William A. English	Registration Number	42515

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

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.

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PEARL COHEN ZEDEK LATZER, LLP
1500 BROADWAY
12TH FLOOR
NEW YORK NY 10036

MAILED

JUL 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Nanikashvili, Reuven	:	DECISION REFUSING STATUS
Application No. 12/468,134	:	UNDER 37 CFR 1.47(b)
Filed: May 19, 2009	:	
Attorney Docket No. P-71634-US2	:	

This is in response to the Petition under 37 CFR 1.47(a), filed December 28, 2009, which is being treated under 37 CFR 1.47(b) when all of the inventors of an application refuses to join in an application.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks items (1), (2), (5) and (6) set forth above.

As to item, (1), it is unclear as to whether or not Nir Geva is an inventor of the subject matter of the instant application as Nir Geva is not listed on the Oath/Declaration. The petition, however, references Nir Geva as a co-inventor. In view of this confusion and the apparent lack of a co-inventor, the instant petition is being treated under 37 CFR 1.47(b).

As to item (2), the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-

President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. 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. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm"r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As to item (5), The 37 CFR 1.47(b) applicant must make out a *prima facie* case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See MPEP § 409.03(f).

As to item (6), The 37 CFR 1.47(b) applicant must prove that the filing of the application is necessary (1) to preserve the rights of the parties or (2) to prevent irreparable damage. See MPEP § 409.03(g).

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

By mail:
Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:
Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax:
(571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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JUN 19 2009

OFFICE OF PETITIONS

SoCAL IP LAW GROUP LLP
310 N WESTLAKE BLVD STE 120
WESTLAKE VILLAGE CA 91362

In re Application of :
Kinsey, et al. :
Application No. 12/468,190 :
Filed: May 19, 2009 :
Attorney Docket No. R009-P09056US :

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed May 19, 2009.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has demonstrated that inventor Cavalleri has refused to sign the declaration after having been presented with the application papers. Specifically, Cavalleri was mailed the application papers on April 28, 2009. However, as of the date of the petition, no response from Cavalleri has been received.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JUN 19 2009

OFFICE OF PETITIONS

ROBERT J CAVALLERI
411 NW 97TH LN
CORAL SPRINGS FL 33071

In re Application of
Kinsey, et al.
Application No. 12/468,190
Filed: May 19, 2009
Title: Integral Thrust Vector and Roll Control System

LETTER

Dear Mr. Cavalleri:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record 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.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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.
12/468,295	05/19/2009	Hiroshi INOUE	MNL-2018-2300	9674

7590 07/21/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
07/21/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

MAILED

JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Scott A. Williamson et al. :
Application No. 12/468,344 : DECISION ON PETITION
Filed: May 19, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 105992.00034 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 6, 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 an attorney on behalf of inventor Louis Simko attesting to his age. The above-identified application has been accorded "special" status.

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

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 3612 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MCCARTER & ENGLISH, LLP STAMFORD
CANTERBURY GREEN
201 BROAD STREET, 9TH FLOOR
STAMFORD, CT 06901

MAILED

APR 12 2010

OFFICE OF PETITIONS

In re Application of :
Keith B. OXNER, et al :
Application No. 12/468,455 :
Filed: May 19, 2009 :
Attorney Docket No. ITI-493 (118001.17401) :

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 February 1, 2010.

The request is **NOT 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 cannot be approved because there is no indication that the act noted above at item (1) has been performed

Further, 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 the inventor or an assignee of the entire interest who has properly been made of record 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/468,540	05/19/2009	Andreas Meisel	040897-0232	1133

71921 7590 02/22/2010

Foley & Lardner LLP
Suite 500
3000 K STREET NW
Washington, DC 20007

EXAMINER	
ART UNIT	PAPER NUMBER
2812	

MAIL DATE	DELIVERY MODE
02/22/2010	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.

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

Foley & Lardner LLP
Suite 500
3000 K STREET NW
Washinton DC 20007

In re Application of	:	
MEISEL et al.	:	DECISION ON PETITION
Application No. 12/469,540	:	TO MAKE SPECIAL UNDER
Filed: 19 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 040897-0232	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 16 December 2009, 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 1 above.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 438/016) 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 inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2812 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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.
12/468,540	05/19/2009	Andreas Meisel	040897-0232	1133

71921 7590 06/02/2010

Foley & Lardner LLP
Suite 500
3000 K STREET NW
Washington, DC 20007

EXAMINER	
BRYANT, KIESHA ROSE	

ART UNIT	PAPER NUMBER
2891	

MAIL DATE	DELIVERY MODE
06/02/2010	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 & Lardner LLP
Suite 500
3000 K STREET NW
Washinton DC 20007

In re Application of	:	
MEISEL et al.	:	DECISION ON PETITION
Application No. 12/468,540	:	TO MAKE SPECIAL UNDER
Filed: 19 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 040897-0232	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 16 December 2009 and renewed on 25 May 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.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of
MITSUYA, KOTA, et al
Application No. 12/468,560
Filed: May 19, 2009
Attorney Docket No. TOSH/0032US

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 18, 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:

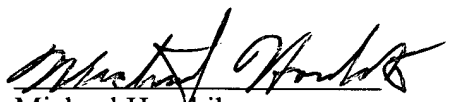
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 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

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Sheehan Phinney Bass & Green, PA
c/o Peter Nieves
1000 Elm Street
Manchester, NH 03105-3701

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FEB 16 2010

In re Application of	:	
Shinji Sakamoto	:	
Application No. 12/468,576	:	DECISION ON PETITION
Filed: May 19, 2009	:	TO WITHDRAW
Attorney Docket No. 19491-6101	:	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 18, 2009.

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 Sheehan Phinney Bass & Green, PA and all attorneys/agents associated with customer number 21586 have been revoked by the inventor of the patent application on December 7, 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 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: Gerald T. Peters
JTT Patent Services, LLC
141 Grafton Tpke Road
Canaan, NH 03741-7453

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.
12/468,658	05/19/2009	Satoshi KONISHI	740675-93	1321

78198 7590 04/28/2010

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

EXAMINER	
LANDRY II, GERALD ERNEST	
ART UNIT	PAPER NUMBER
3763	

MAIL DATE	DELIVERY MODE
04/28/2010	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.

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Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston VA 20190

In re Application of:
KONISHI, SATOSHI
Serial No.: 12/468,658
Filed: May 19, 2009
Docket: 740675-93
Title: SENSOR ELEMENT, SENSOR SYSTEM, CATHETER AND MANUFACTURING METHOD OF THE SENSOR ELEMENT

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 April 27, 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 Nicholas Lucchesi, the SPE of Art Unit 3763, and 571-272-4430 for Class 604 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TECHNOLOGY CENTER 2600

PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of
KITO, TOSHIYUKI
Application No. 12/468,731
Filed: May 19, 2009
Attorney Docket No. **TOSH/0031US**

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 October 5, 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

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JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

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MAY 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Say et al.	:	
Application No. 12/468,775	:	ON PETITION
Filed: May 19, 2009	:	
Attorney Docket No. TS-02-26C08D01	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 15, 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 (PTO/SB/130 form) by the applicant's attorney that 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 the undersigned 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 3735 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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6114 LA SALLE AVENUE
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OAKLAND CA 94611-2802

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MAY 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Say et al.	:	
Application No. 12/468,782	:	ON PETITION
Filed: May 19, 2009	:	
Attorney Docket No. TS-02-26C08D02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 15, 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 (PTO/SB/130 form) by the applicant's attorney that 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 the undersigned 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 3735 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

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MAY 13 2010

OFFICE OF PETITIONS

In re Application of
Say et al.
Application No. 12/468,787
Filed: May 19, 2009
Attorney Docket No. TS-02-26C08D03

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 15, 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 (PTO/SB/130 form) by the applicant's attorney that 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 the undersigned 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 3735 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Ko-Chuan JEN, et *al.* :
Application No. 12/468,822 : NOTICE UNDER 1.27(c)
Filed: May 19, 2009 :
Attorney Docket No. **AD8265P** :

This is in response to the request filed September 15, 2009 under 37 CFR 1.27(c) seeking status as a small entity.

A review of the file record discloses that on September 22, 2009, a letter advising the Office that the previous "Petition to Change Entity Status from Large to Small and Request for Refund" was sent in error. As requested, the petition will not be considered. The entity status remains "Large" and no refund will be issued. In view thereof, the request is **dismissed as moot**.

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) 272-7253.

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

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Alexandria, VA 22313-1450
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SEP 16 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

John Whitaker
Whitaker Law Group
755 WINSLOW WAY EAST
Suite 100
BAINBRIDGE ISLAND WA 98110

In re Application of:
FRANKLIN, JEFFREY M., et al.
Serial No.: 12/468,836
Filed: May 19, 2009

Title: **CROSS-CARRIER CONTENT UPLOAD, SOCIAL NETWORK AND PROMOTIONAL PLATFORM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 19, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

BACKGROUND

The above identified application was filed along with a petition for Accelerated Examination on October 05, 2007.

A Notice to File Corrected Application Papers was mailed on October 10, 2007.

A petition decision denying the petition was mailed on October 23, 2007. The denial was based on the application, at the time of filing, was not complete as evidenced by the Notice to File Corrected Application Papers.

A Withdrawal of Previously Sent Notice was mailed on October 26, 2007. A second Withdrawal of Previously Sent Notice was mailed January 8, 2008. The second notice clarified the previously sent notice was identified as the notice mailed on October 10, 2007.

Based on the above series of events, the petition decision denying Accelerated Examination mailed on October 23, 2007, is hereby vacated. The new decision on petition is addressed below.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. Items 6.1 6.2, 6.3, 6.5 and 6.6.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

In regard to item 6.1, a review of the file finds that applicant failed to provide a copy of the cited non-patent literature titled "Mobile Marketing: Beyond SMS" listed on the Information Disclosure Statement as required by 37 CFR 1.98(a)(2).

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient as follows: The support document provides only a description of each reference cited with respect to independent claims 1, 8, and 15. However, the petition fails to identify all of the limitations in all of the claims of the application that are disclosed by the patent and specifying where the limitation is disclosed by each cited reference as required by item 6.2. None of the dependent claims have been addressed for any of the cited references and no statement that none of the limitations in each of the dependent claims is disclosed by each of the references is made. Clarification is required.

Regarding the requirement in item 6.3 above, the Accelerated Examination Support Document is deficient because section 9(C) fails to provide a "detailed explanation of how ***each of the claims*** are patentable over each of the references cited with particularity required by 37 CFR 1.111(b) and (c)" (emphasis added). Petitioner does not provide a detailed explanation of patentability of all claims (in particular the dependent claims) with respect to each reference and if claims do not stand or fall together, how each claim (including the dependent claims) is patentably distinct

over the cited prior art in combination with the other cited references. **Since petitioner has only argued the patentability of the broadest, independent claims and no separate reasons for patentability are argued in regard to dependent claims 2-7, 9-14, and 16-20, it is presumed that petitioner believes that all claims not separately argued for patentability stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.**

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of ***the specification and each benefit application***. As set forth supra, "*a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, **in the written description of the specification.***". And also, "*if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, **in each such application in which such supports exists***". It is noted that the instant application claims benefit to parent application 12/049,748 and provisional application 60/896,791. Therefore, an updated accelerated examination support document must be provided which shows where each limitation of the claims finds support in the written description of the specification and also each benefit application.

Regarding the requirement in item 6.6 above, since no statement identifying any cited references that may be disqualified as prior art under 35 USC 103(c) was made, it is presumed there are none. If this is not accurate, then any cited references that may be disqualified as prior art under 35 USC 103(c) must be identified.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
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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MAIL

OCT 28 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

John Whitaker
Whitaker Law Group
755 WINSLOW WAY EAST
Suite 100
BAINBRIDGE ISLAND WA 98110

In re Application of:
FRANKLIN, JEFFREY M.
Serial No.: 12/468,836
Filed: May 19, 2009

Title: **CROSS-CARRIER CONTENT UPLOAD, SOCIAL NETWORK AND PROMOTIONAL PLATFORM**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 13, 2009 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed September 16, 2009 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of :
LEE, Young Moo, et al :
Application No. 12/468,837 : DECISION ON PETITION
Filed: May 19, 2009 :
Attorney Docket No. PPP2009851US :

This is a decision on the petition under 37 CFR 1.182, filed October 8, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 1796 for examination in due course.

Telephone inquiries regarding this decision should be directed to Diane C. Goodwyn at (571) 272- 6735.

/ Thurman K. Page /
Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/468,837	05/19/2009	1796	1286	PPP20090851US	44	3

CONFIRMATION NO. 1683

CORRECTED FILING RECEIPT

66390
LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY, VA 20151

Date Mailed: 01/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Young-Moo LEE, Seoul, KOREA, REPUBLIC OF;
Ho-Bum PARK, Seoul, KOREA, REPUBLIC OF;
Sang-Hoon HAN, Seoul, KOREA, REPUBLIC OF;
Chul-Ho JUNG, Gwangju, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

IUCF-HYU (Industry-University Cooperation Foundation Hanyang University), Seoul, KOREA, REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number 66390

Domestic Priority data as claimed by applicant

This application is a CIP of 12/248,294 10/09/2008 ABN

Foreign Applications

REPUBLIC OF KOREA 10-2008-0046115 05/19/2008

Request to Retrieve - This application either claims priority to one or more applications filed in an intellectual property Office that participates in the Priority Document Exchange (PDX) program or contains a proper **Request to Retrieve Electronic Priority Application(s)** (PTO/SB/38 or its equivalent). Consequently, the USPTO will attempt to electronically retrieve these priority documents.

If Required, Foreign Filing License Granted: 06/04/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/468,837**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

HOLLOW FIBER, DOPE COMPOSITION FOR FORMING HOLLOW FIBER, AND METHOD OF PREPARING HOLLOW FIBER USING THE SAME

Preliminary Class

524

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JAN 06 2010

In re Application of :
CHARLES P LUEBKE :
Application No. 12/469,011 : DECISION ON PETITION
Filed: May 20, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. H0019086-01 : 37 CFR 1.102(c)(2)
:

This is a decision on the petition under 37 CFR 1.102(c)(2), filed December 9, 2009, 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(c)(2) 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 application must be directed to a single invention that either: A) materially enhances the quality of the environment or B) that 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. 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 petition lacks item(s) 1 as explained below.

This application has been classified in an area (USPC 585/253) 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.

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 the undersigned at 571-272-4914.

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 1797 for action in its regular turn.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY GROUP – PATENTS
70 WEST MADISON STREET, SUITE 3500
CHICAGO, IL 60602-4224

MAILED

JUL 20 2010

OFFICE OF PETITIONS

In re Application of :
Vincent Michalk et al : DECISION REFUSING STATUS
Application No. 12/469,189 : UNDER 37 CFR 1.47(a)
Filed: May 20, 2009 :
Attorney Docket No. 1004018-7002 :

This is in response to the petition under 37 CFR 1.47(a), filed December 1, 2009.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventors cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known addresses of the non-signing inventors. Applicant lacks item (1) set forth above.

As to item (1), there is no evidence that the non-signing inventors were presented with all of the application papers. The evidence of record only indicates that on October 1, 2009 an email was sent to the non-signing inventors with a followed up telephone call from Mr. Michalk regarding signing the Declaration for Utility or Design Patent Application (37 C.F.R. § 1.63).

The applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventors. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventors, Robert Katz, Marc Bacon and Sylvain, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, 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 to locate the inventors. Petitioner has not demonstrated that all efforts were expended in trying to locate the non-signing inventors. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he have access to the non-signing inventors' personnel records and, if so, what inspection of the records reveal as to the current addresses, forwarding addresses, or addresses of the nearest living relatives? What inspection of the phone directories for those addresses locations reveal? Further, the petition fails to indicate that correspondences were ever mailed unsuccessfully to the inventors' last known addresses. Therefore, at the very least, petitioner should mail correspondences to the inventors' last known addresses, return receipt and/or forwarding addresses requested. If forwarding addresses are provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the non-signing inventors' addresses, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or have refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

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

David Bucci
Petition Examiner
Office of Petitions

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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.
12/469,300	05/20/2009	Yusuke ADACHI	MAEDP0116US	1644

51921 7590 09/21/2009

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
09/21/2009	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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P.O. Box 1450
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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Yusuke ADACHI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/469,300	**: PROSECUTION HIGHWAY**
Filed: 20 May 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: MAEDP0116US	**: TO MAKE SPECIAL UNDER**
For: ULTRASONIC ACTUATOR	**: 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 May 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 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 program and petition is assessed as follows:

Requirements 1-7 above are considered to have been met (it is noted that while applicant has not specifically stated the relationship between the JPO application containing the allowable claims (JP2008-534210) and the priority application claimed in the US (JP2007-066587), as required by the PPH rules, it is clear from the record that JP2007-066587 is a priority document of JP2008-534210). Accordingly, this application is afforded "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.

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.
12/469,373	05/20/2009	Leslie R. Wolf	39390-00	1781

7590 03/10/2010

E.I. DuPont De Nemours and Company
4417 Lancaster Pike, Barley Mill Plaza 25/1212
Wilmington, DE 19805

EXAMINER	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
03/10/2010	PAPER

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

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CAROL WILSON
BP AMERICA INC.
Mail Code 5 East
4101 Winfield Road
Warrenville IL 60555

In re Application of	:	
WOLF, Leslie	:	DECISION ON PETITION
Application No. 12/469,373	:	TO MAKE SPECIAL UNDER
Filed: May 20, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 39390-00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 24, 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 and 5 above for the reasons explained in more detail below.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 703/002) 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 Eddie C. Lee at 571-272-1732.

The application is being forwarded to the Technology Center Art Unit 2123 for action in its regular turn.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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AUG 27 2009

OFFICE OF PETITIONS

KING & SPALDING
1180 PEACHTREE STREET , NE
ATLANTA GA 30309-3521

In re Application of	:	
Warren Stern et al.	:	
Application No. 12/469,438	:	DECISION ON PETITION
Filed: May 20, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. QRX-0402 (15005.105004)	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 10, 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 by the inventor Felix A. de la Iglesia. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ron Abelson at 571-272-3165 or 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 1614 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/469,574	05/20/2009	Norikazu Nagasawa	8073P704	2178

7590 01/07/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2629	
MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Kalitus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 01/07/2010 KKING1
05/21/2009 INTEFSW 00006936 022666 12469574
02 FC:1111 540.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/469,574	05/20/2009	Norikazu Nagasawa	8073P704	2178

EXAMINER

7590 01/07/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kaletus Buchanan

Patent Publication Branch
Office of Data Management

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/469,579	05/20/2009	Ryo Araki	6639P705	2193

8791 7590 03/04/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2453	

MAIL DATE	DELIVERY MODE
03/04/2010	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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BLAKELY SOKOLOFF TAYLOR &
ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of: Ryo ARAKI
Application No. 12/469579
Filed: May 20, 2009
For: PRESENCE SERVICE PROVISION SYSTEM AND SERVER UNIT THEREOF

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

MAILED

MAR 04 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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 February 23, 2010, 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 (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is 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).

The original request to participate in the PPH program and petition were dismissed because Claims 4 and 5 of the U.S. application do not sufficiently correspond to allowed claims 4 and 5 of the JPO application. This deficiency has been corrected in the preliminary amendment filed the renewed petition.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/469,591	05/20/2009	Kazuaki DOI	SUTOSH.409AUS	2227

EXAMINER

7590 01/11/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
2112	

NOTIFICATION DATE	DELIVERY MODE
01/11/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Patent Publication Branch
Office of Data Management

Adjustment date: 01/11/2010 NFARMER
05/21/2009 INTERSU 00037132 12469591
02 FC:1111 -540.00 OP

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OCT 27 2009

OFFICE OF PETITIONS

GE HEALTHCARE BIO-SCIENCES CORP.
PATENT DEPARTMENT
800 CENTENNIAL AVENUE
PISCATAWAY NJ 08855

In re Application of :
Anderson, et al. :
Application No.: 12/469,714 : ON PETITION
Filed: NO FILING DATE ACCORDED :
Attorney Docket No.: **PU1114-CON** :

This is a decision on the petition filed June 8, 2009, which will be treated as a petition under 37 CFR 1.53 to accord the application a filing date of May 21, 2009, pursuant to 37 CFR 1.53.

The petition is **dismissed.**

The application was deposited on May 21, 2009. On, June 4, 2009, the Office of Patent Application Processing mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the specification appeared to have been omitted and at least one claim was not present.

In response, the present petition was filed. Petitioner therein argues that petitioner inadvertently failed to upload the specification from PCT application PCT/US2002/026078 to which the subject application claims priority. Petitioner requests that the subject application be accorded a filing date of May 21, 2009, with the specification of the PCT application included as part of the original application papers.

The argument has been considered, but is not persuasive. The Patent and Trademark Office (the "Office") file is the official record of the papers originally filed in this application. A review of the application file did not reveal a specification of any kind as having been filed on May 21, 2009. Petitioner has not provided any *prima facie* evidence that the specification and at least one claim were received on May 21, 2009, and the Office file record does not support this assertion. The petition is dismissed, accordingly.

Petitioner may wish to consider filing a petition under 37 CFR 1.57(a) to accord the application a filing date of May 21, 2009, in light of the priority claim under 37 CFR 1.78 to the PCT application that was present in the application on May 21, 2009 . The undersigned makes no assurances of the success of such a petition.

The specification, claims and other papers filed June 8, 2009, are noted.

The application file is being directed to the Office Patent Application Processing further processing with a filing date of **June 8, 2009**, as this is the date that the remaining items were filed that are required to accord the application a filing date pursuant to 37 CFR 1.53.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/469,744	05/21/2009	Jeffrey V. Merkey	00095.00017AE3	2498

55952 7590 07/02/2009

Intellevate
P.O. Box 52050
Minneapolis, MN 55402

EXAMINER	
ART UNIT	PAPER NUMBER
2419	

MAIL DATE	DELIVERY MODE
07/02/2009	PAPER

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

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JUL 02 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Intellevate
P.O. Box 52050
Minneapolis MN 55402

In re Application of:
Merkey et al.
Serial No.: 12/469,744
Filed: May 21, 2009
Docket Number: 00095.00017AE3
Title: METHOD AND APPARATUS FOR NETWORK PACKET CAPTURE DISTRIBUTED STORAGE SYSTEM

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102

This is a decision on the petition filed on May 21, 2009, to make the above-identified application special for accelerated examination procedure in accordance with 37 C.F.R. § 1.102(c)(2).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to M.P.E.P. §708.02(a) and to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to M.P.E.P. §812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 C.F.R. §1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 C.F.R. §1.97 and §1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 C.F.R. §1.181, §1.182 or §1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition. However, the application retains its special status after the filing of an RCE.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to the undersigned at (571) 272-3126.

Chau T. Nguyen
Workgroup Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security

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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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET, SUITE 4700
DENVER, CO 80202-5647

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Application of :
Jeffrey V. MERKEY, et al. :
Application No. 12/469,744 : DECISION GRANTING PETITION
Filed: May 21, 2009 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **00095.00017AE3** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 21, 2009, 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 August 28, 2009 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 the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2416 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
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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JUN 0 3 2010

OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX VA 22033

In re Application of :
Shang-Min JIANG :
Application No. 12/469,963 : NOTICE
Filed: May 21, 2009 :
Attorney Docket No. 3722/0585PUS1 :

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.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: JOE MCKINNEY MUNCY
MUNCY, GEISSLER, OLDS
LOWE, PLLC
PO BOX 1364
FAIRFAX, VA 22038-7140

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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October 20, 2009 BC

In re application of Takashi Morimoto et al. Serial No. 12/469,977 Filed: May 21, 2009 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 August 19, 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 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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CHRISTOPHER P MAIORANA, PC
LSI Corporation
24840 HARPER
SUITE 100
ST CLAIR SHORES MI 48080

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JUN 18 2009

OFFICE OF PETITIONS

In re Application of:	:	
Tang et al.	:	
Application No. 12/469985	:	DECISION GRANTING
Filing or 371(c) Date: 05/21/2009	:	PETITION UNDER
Title of Invention: SOLUTION FOR PACKAGE CROSSTALK MINIMIZATION	:	37 CFR 1.47(a)

This is in response to a Petition Under 37 CFR § 1.47, filed May 21, 2009, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The petition is properly treated under3 7 CFR § 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, George C. Tang, refuses to join in the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this reissue application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MR. GEORGE C. TANG
10531 N. PORTAL AVENUE
CUPERTINO, CA 95014

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JUN 18 2009

OFFICE OF PETITIONS

In re Application of:
Tang et al.
Application No. 12/469985 : LETTER
Filing or 371(c) Date: 05/21/2009
Title of Invention: SOLUTION FOR PACKAGE CROSSTALK MINIMIZATION

Dear Mr. Tang:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent 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.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

CC: CHRISTOPHER P MAIORANA, PC
LSI Corporation
24840 HARPER
SUITE 100
ST CLAIR SHORES MI 48080

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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October 20, 2009 BC

In re application of Takashi Morimoto et al. Serial No. 12/469,995 Filed: May 21, 2009 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 August 19, 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 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

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.
12/470,042	05/21/2009	Hirokazu Nagashima	SUTOSH.403AUS	3061

7590 03/18/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
KOONTZ, TAMMY J	
ART UNIT	PAPER NUMBER
3974	
NOTIFICATION DATE	DELIVERY MODE
03/18/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Betty Powell

Patent Publication Branch
Office of Data Management

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.
12/470,051	05/21/2009	Rainer HENKNER	011456.00010	3077

7590 12/02/2009

HODGSON RUSS LLP
THE GUARANTY BUILDING
140 PEARL STREET
SUITE 100
BUFFALO, NY 14202-4040

EXAMINER	

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
12/02/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 12/02/2009 NFARMER
05/22/2009 INTEFSW 00001354 002442 12470051
02 FC:1111 540.00 CR

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OFFICE OF PETITIONS

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of :
John E. Rode et al. :
Application No. 12/470,262 : DECISION ON PETITION
Filed: May 21, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 0545.03 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 21, 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 by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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 3679 for action on the merits commensurate with this decision.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCKEE, VOORHEES & SEASE, PLC
ATTN: UNIVERSITY OF NEBRASKA MEDICAL CENTER
801 GRAND AVENUE, SUITE 3200
DES MOINES, IA 50309-2721

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JUN 02 2010

OFFICE OF PETITIONS

In re Application of
Thomas Cartwright
Application No. 12/470,337
Filed: May 21, 2009
Attorney Docket No. GW US-2 CIP

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 December 15, 2009.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to McKee, Voorhees & Seas, PLC has been revoked by the assignee of the patent application on May 10, 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

cc: THE WATER GOODS COMPANY, INC.
12075 43RD STREET NE
SUITE 400
ST MICHAEL, MN 55367

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OFFICE OF PETITIONS

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW CA 94039-0460

In re Application of :
Charles Hadley McAllister et al. :
Application No. 12/470,343 : DECISION ON PETITION
Filed: May 21, 2009 :
Attorney Docket No. 377819-001C1 (379979) :

This is a decision on the petition under 37 CFR 1.59(b), filed August 25, 2009, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the Declaration (EFS ID 593376), filed August 21, 2009, be expunged from the record.

The petition is deficient because there is no statement that:

(B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
White, et al.	:	DECISION GRANTING STATUS
Application No. 12/470,349	:	UNDER 37 CFR 1.47(a)
Filed: May 21, 2009	:	
Attorney Docket No. 110184.480	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 3, 2009.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Sean Kesler, has refused/cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEP 29 2009

OFFICE OF PETITIONS

SEAN KESLER
2649 RED BIRD DRIVE
RENO NV 89523

In re Application of :
White, et al. : LETTER
Application No. 12/470,349 :
Filed: May 21, 2009 :
Attorney Docket No. 110184.480 :

Dear Mr. Kesler:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

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SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
White, et al.	:	DECISION GRANTING STATUS
Application No. 12/470,353	:	UNDER 37 CFR 1.47(a)
Filed: May 21, 2009	:	
Attorney Docket No. 110184.48001	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 3, 2009.

The petition is **GRANTED.**

Petitioners have shown that the non-signing inventor, Sean Kesler, has refused/cannot be located to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEAN KESLER
2649 RED BIRD DRIVE
RENO NV 89523

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of :
White, et al. :
Application No. 12/470,353 : LETTER
Filed: May 21, 2009 :
Attorney Docket No. 110184.48001 :

Dear Mr. Kesler:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTORNEYS OF RECORD: SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC
701 FIFTH AVENUE
SUITE 5400
SEATTLE WA 98104

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/470,370	05/21/2009	Kenji Hasegawa	NGTOSH.052AUS	3707

20995 7590 05/27/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
GETACHEW, ABIY	

ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
05/27/2010	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
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IRVINE CA 92614

In re Application of
HASEGAWA et al.
Application No.: 12/470,370
Filed: 21 May 2009
Attorney Docket No.: NGTOSH.052AUS
For: ELECTRONIC APPARATUS AND PRINTED WIRING BOARD

: 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 20 April 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, 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 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).

All conditions above are considered to have been met and the application is granted 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.

Lee W. Young
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.
12/470,400	05/21/2009	Kenji HASEGAWA	NGTOSH.054AUS	3774

20995 7590 02/18/2010

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EXAMINER	
ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
02/18/2010	ELECTRONIC

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

jcartee@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

In re Application of
HASEGAWA et al.
Application No.: 12/470,400
Filed: 21 May 2009
Attorney Docket No.: NGTOSH.054AUS
For: ELECTRONIC APPARATUS AND PRINTED WIRING BOARD

: 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 13 January 2010, 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, 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 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).

Conditions (1) - (2) and (4) - (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (1).

Regarding the requirement of condition (3), the claims of the instant application have a different scope the claims of the JP application. Claims 1, 4, 5, 7, and 8 of the instant application have limitations to the "center of the substrate" while the claims of the JP application define these limitations relative to a "central portion of the substrate." Claims 1, 4, 7, and 8 of the instant application have limitations to a "height adjuster" while the claims of the JP application define a "height adjusting portion." Claim 5 of the instant application defines the land as "extending from the fixing hole" while the claim 5 of the JP application defines the land as "having the fixing hole as a center." Claim 6 of the instant application has the height adjuster "is at outside a region" while the claim 6 of the JP application has the height adjuster "provided at a position away from."

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 within 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 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/470,400	05/21/2009	Kenji HASEGAWA	NGTOSH.054AUS	3774

20995 7590 05/24/2010

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EXAMINER	
ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
05/24/2010	ELECTRONIC

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jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE CA 92614

In re Application of	
HASEGAWA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/470,400	**: PARTICIPATE IN THE PATENT**
Filed: 21 May 2009	**: PROSECUTION HIGHWAY**
Attorney Docket No.: NGTOSH.054AUS	**: PROGRAM AND PETITION**
For: ELECTRONIC APPARATUS AND	**: TO MAKE SPECIAL UNDER**
PRINTED WIRING BOARD	**: 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 January 2010 and renewed on 17 March 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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 program and petition is assessed as follows:

Requirements 1, 2, 4, 5, 6, and 7 above are considered to have been met.
However, the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, claim 16 of the instant application does not correspond to claim 8 of the JPO application. Claim 16 of the instant application recites "a height adjusting portion ... being positioned between the fixing hole and the pair of edges" while claim 8 of the JPO application recites "a height adjusting portion ... being positioned between the fixing hole and the single edge." This difference was introduced in the claim amendment filed 17 March 2010.

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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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :

MOSS, David :
Application No. 12/470,735 : DECISION ON PETITION
Filed: May 22, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **6410P3187cip** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 26, 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 by David Moss, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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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.
12/470,781	05/22/2009	Michael Peirce	2009_01A	4557

85012 7590 06/12/2009

Daon, Incorporated
Attn: Kevin McDermott
11955 Freedom Drive, Suite 16000
Reston, VA 20190

EXAMINER	
MOAZZAMI, NASSER G	
ART UNIT	PAPER NUMBER
2436	
MAIL DATE	DELIVERY MODE
06/12/2009	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.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Daon, Incorporated
Attn: Kevin McDermott
11955 Freedom Drive, Suite 16000
Reston, VA 20190

MAILED

JUN 12 2009

TECHNOLOGY CENTER 2100

In re Application of:
Michael Peirce
Serial No.: 12/470,781
Filed: May 22, 2009
Docket: 2009_01A
For: **METHOD AND SYSTEM FOR CONFIRMING THE IDENTITY OF A USER**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 22, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions I 1-4, II 1-4 and II 5.1, 5.3, and II 6.2 - 6.6 above are considered to have been met. However, the petition fails to comply with conditions II 5.2 and conditions II 6.1 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement of MPEP § 708.02(a)(I.)(H)[1] and items II.5.2 above, the preexamination search does not encompass all of the features of the claims, and does not appear to have given the claims the broadest reasonable interpretation.

Specifically, the text search strategy should be modified to include reasonable number of synonyms. Additionally, the pre-exam search does not address all the claimed features in claims 6 – 8, 15 – 17, and 19. Here is an example search strategy that would complete this requirement.

(process$3 or analyz$3) adj7 (biometric$1 or credential$1) and (confirm$3 or check$3 or validat$3 or authoriz$3 or identif$3 or authenticat$3) adj7 (user$1 or people or person or personnel or individual or human)

(releas$3 or provid$3 or generat$3 or access$3) adj7 (data or information) same (user$1 or people or person or personnel or individual or human)and level$1 and trust$1 and security

(compar$3 or match$1 or correlat$3) adj7 biometric$1 with (data or information) and (generat$3 or provid$3 or output$3 or displ$3) adj7 result$1

(confirm$3 or check$3 or validat$3 or authoriz$3 or identif$3) adj7 logical adj7 (link$1 or path$1 or connection$1)

(determin$3 or calculat$3 or defin$3) adj7 numerical adj7 score$1 and biometric$1 and quality and threshold near3 value$1

This additional search area was confirmed with an examiner in the pertinent art area.

Petitioner should review all claim limitations, especially those asserted as patentable distinctions from the cited references to ensure that the search covers these concepts, and update the search and/or provide any clarifications if deemed necessary.

Regarding to the requirement of MPEP 708.02(a) (I) (1) and item II. 6.1 above, an accelerated examination support document (AESD) must include: an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims. It is noted that if petitioner wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. **Petitioner should clearly identify the IDS (Form 1449) of the AESD that is in support of the petition to make special and, similarly, petitioner should clearly identify the separate IDS(Form 1449) that is not in support of the petition. While the cover letters for the information disclosure statements (FORMS 1449), clearly identify that one is most closely related and the other is in support of the petition, the Image File Wrapper System has separated the cover letters from the forms so there is a question as to which corresponds to which. Correction is required.**

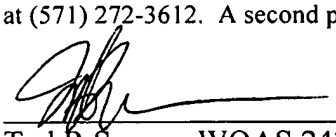
DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.



Tod R Swann, WQAS 2430
Technology Center 2400
Networking, Multiplex, Cable and Information Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/470,781	05/22/2009	Michael Peirce	2009_01A	4557

85012 7590 07/09/2009

Daon, Incorporated
Attn: Kevin McDermott
11955 Freedom Drive, Suite 16000
Reston, VA 20190

EXAMINER	
ORGAD, EDAN	
ART UNIT	PAPER NUMBER
2439	

MAIL DATE	DELIVERY MODE
07/09/2009	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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JUN 09 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Daon, Incorporated
Attn: Kevin McDermott
11955 Freedom Drive, Suite 16000
Reston, VA 20190

In re Application of:
Michael Peirce
Serial No.: 12/470,781
Filed: May 22, 2009
Docket: 2009_01A
Title: METHOD AND SYSTEM FOR CONFIRMING THE IDENTITY OF A USER

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on July 2, 2009 to make the above identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The original petition, submitted on May 22, 2009 was dismissed in the decision mailed on June 12, 2009.

The renewed petition to make the application special is **GRANTED** as the new Search Document meets the requirements of conditions II 5.2 and the new Support Document meets the requirements of conditions II 6.1 that were deficient in the original petition.

The application is eligible for accelerated examination and the renewed petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323) as the original identified deficiencies for failing to comply with the requirements for the pre-examination search encompassing all of the features of the claims, and giving the claims the broadest reasonable interpretation, the statement of patentability must provide a detailed explanation of how each of the claims are patentable and the concise statement of the utility must be of the invention as defined in each of the independent claims (reference must be made to independent claims 1, 14 and 20) have been corrected.

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

Tod R Swann, WQAS 2430
Technology Center 2400
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CHARLES C.H. WU
98 DISCOVERY
IRVINE CA 92618-3105

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FEB 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Besikof et al.	:	DECISION ON PETITION
Application No. 12/470,831	:	TO WITHDRAW
Filed: May 22, 2009	:	FROM RECORD
Attorney Docket No. 1357-09050201	:	

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 8, 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 Charles C.H. Wu on behalf of all attorneys of record who are associated with Customer No. 25864.

All attorneys/agents associated with Customer Number 25864 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: Shad Harry Besikof
2037 Port Bristol
Newport Beach, CA 92660

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CST

July 22, 2009

In re application of	:	DECISION ON REQUEST TO
Tomohiko Omura et al	:	PARTICIPATE IN PATENT
Serial No. 12/470,888	:	PROSECUTION HIGHWAY
Filed: May 22, 2009	:	PROGRAM AND
For: LOW ALLOY STEEL FOR HIGH-PRESSURE HYDROGEN GAS ENVIRONMENT AND CONTAINER FOR HIGH-PRESSURE HYDROGEN	:	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 22, 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 preexamination 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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P.O. BOX 1319
SALT LAKE CITY, UT 84110

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of

William RAFTERY, et *al.*
Application No. 12/471,043
Filed: May 22, 2009
Attorney Docket No. **4126.SEAT.NP**

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 19, 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 request to change the correspondence address of record is not acceptable as the requested address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 CFR 3.71.

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 at 571-272-3600.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/471,149	05/22/2009	Masashi Yasuzato	SUTOSH.412AUS	5286

20995 7590 03/01/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

NOTIFICATION DATE	DELIVERY MODE
03/01/2010	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):

jcartee@kmob.com
efiling@kmob.com
2ros@kmob.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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Knobbe, Martens, Olson & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

In re Application of: YASUZATO M..
Application No. 12/471149
Filed: May 22, 2009
For: Broadcast/VOD receiver and viewing management method.

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) pilot program and the petition under 37 CFR 1.102(d), filed ~~October 06~~ December 11, 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 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 petition is **GRANTED.**

The request to participate in the PPH pilot 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 Mano Padmanabhan at 571-272-4210.

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.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

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SEP 21 2009

OFFICE OF PETITIONS

In re Application of :
Haiyan Gu :
Application No. 12/471,243 : DECISION REFUSING STATUS
Filed: May 22, 2009 : UNDER 37 CFR 1.47(a)
Attorney Docket No. **07783.0107.CPUS02** :

This decision is in response to the petition filed August 10, 2009 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on May 22, 2009, without an oath or declaration. Accordingly, on June 8, 2009, a Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, the instant petition, a declaration executed by all joint inventors, except Rong-Chang Liang, was filed in their own stead and on behalf of the non-signing joint inventor. Petitioner claims that joint inventor Rong-Chang Liang refuses to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In regards to item (1), while petitioners argue by affidavit of Y. Ping Chow and Amy Chao, Administrator of Intellectual Property of SiPix Imaging, that a copy of the application was delivered to the last known address of Rong-Chang Liang, petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventors for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refused to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

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

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

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of
Haiyan Gu
Application No. 12/471,243
Filed: May 22, 2009
Attorney Docket No. **07783.0107.CPUS02**

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This decision is in response to the renewed petition filed October 6, 2009 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on May 22, 2009, without an oath or declaration. Accordingly, on June 8, 2009, a Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response a petition and a declaration executed by all joint inventors, except Rong-Chang Liang, was filed August 10, 2009 in their own stead and on behalf of the non-signing joint inventor. Petitioner claimed that joint inventor Rong-Chang Liang refused to sign the declaration. The petition was dismissed in a decision mailed September 21, 2009 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventor. The decision set a two month period for reply.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

In response to the decision dismissing the petition filed August 10, 2009, the instant petition shows that a copy of the complete application was sent to joint inventor Rong-Chang Liang at his last known address, however, petitioner maintains that the

non-signing inventor has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

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JUL 12 2010

OFFICE OF PETITIONS

In re Application of
Gunnar James Hanson et al
Application No. 12/471,246
Filed: May 22, 2009
Attorney Docket No. 606922001200

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 June 4, 2010.

The request is **APPROVED**.

The request was signed by Leslie A. Robinson on behalf of the practitioners of record associated with Customer Number 25225.

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

All future correspondence will be directed to assignee Joyant Pharmaceuticals, Inc. 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: Joyant Pharmaceuticals, Inc.
2620 N. Stemmons Freeway
Dallas, TX 75207

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
12/471,246	05/22/2009	Gunnar James Hanson	606922001200

CONFIRMATION NO. 5509

POWER OF ATTORNEY NOTICE

25225
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

Date Mailed: 07/12/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2010.

- 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
12/471,246	05/22/2009	Gunnar James Hanson	606922001200

CONFIRMATION NO. 5509

Joyant Pharmaceuticals, Inc.
2620 N. Stemmons Freeway
Dallas, TX 75207

POA ACCEPTANCE LETTER

OC000000042473568

Date Mailed: 07/12/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/04/2010.

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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OFFICE OF PETITIONS

PILLSBURY WINTHROP SHAW PITTMAN LLP
PO BOX 10500
MCLEAN VA 22102

In re Application of :
Sundararajan, et al. :
Application No. 12/471,286 : DECISION ON PETITION
Filed: May 22, 2009 :
Attorney Docket No. 043395-0380454 :

This is a decision on the "RESPONSE TO NOTICE OF OMITTED ITEM(S)", filed August 10, 2009, which is being treated as a request that the "Notice of Omitted Items" mailed June 8, 2009 be withdrawn.

The petition is **DISMISSED**.

The application was filed on May 22, 2009. However, on June 8, 2009, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice informed applicant that the application had been accorded a filing date. However page 2 of the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that due to a typographical error, page 2 of the specification was present, but was incorrectly labeled as page 3.

It is obvious from the petition that no pages of specification were actually missing on May 22, 2009. Rather, it appeared that page 2 was missing as a result of applicant's filing error. However, the "Notice of Omitted Item(s) in a Provisional Application" mailed June 8, 2009 was correct in stating that page

2 appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Since the present petition was not necessitated by any error on the part of the Office, the $400 petition fee will not be refunded.

The application is being forwarded to the Office of Patent Application Processing, using the application papers filed on May 22, 2009, including page 2 of the specification supplied with the instant petition.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KAMILO FEHER
44685 COUNTRY CLUB DRIVE
EL MACERO CA 95618

MAILED

JUN 22 2009

OFFICE OF PETITIONS

In re Application of :
FEHER, Kamilo :
Application No. 12/471,293 : DECISION ON PETITION
Filed: May 22, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **INFRARapplicDataSheet21ma** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 23, 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 by Kamilo Feher attesting that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN DIEGO, CA 92130-2040

In re Application of	:	
Timothy James Speight	:	
Application No. 12/471,333	:	DECISION ON PETITION
Filed: May 22, 2009	:	TO WITHDRAW
Attorney Docket No. 9010/96578 (01-0120)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed September 9, 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 assignee of the patent application on September 29, 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: FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/471,520	05/26/2009	Kiyoshi Shimizu	342430US0DIV	6041

7590 06/25/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
SEAMAN, D MARGARET M

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
06/25/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Niomi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
06/24/2010 [illegible]

Credit Card Refund Total: [illegible]

[illegible]

Adjustment date: 06/24/2010 NFARMER
06/26/2010 INTEFSW 00007196 12471520
02 FC:1111 -540.00 OP
05 FC:1202 -2132.00 OP
06 FC:1223 -390.00 OP

FORM PET651G (Rev. 08/07)

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/471,545	05/26/2009	Makoto YAMAZAKI	TMCT-13202/08	6083

25006 7590 06/16/2010

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER	
WOLFE JR, WILLIS RAY	
ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
06/16/2010	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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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
YAMAZAKI, MAKOTO et al	:	DECISION ON REQUEST TO
Application No. 12/471,545	:	PARTICIPATE IN PATENT
Filed: May 26, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. TMCT-13202/08	:	PROGRAM AND PETITION
For: POWER OUTPUT APPARATUS, VEHICLE EQUIPPED WITH THE SAME, AND METHOD OF CONTROLLING POWER OUTPUT APPARATUS	:	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 June 15, 2010 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 and;
(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.

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 Steve Kirk, the SPE of Art Unit 3747, and 571-272-4536 for Class 701/103 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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Alexandria, VA 22313-1450
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FEB 25 2010

Anthony R. Barkume
20 Gateway Lane
Manorville NY 11949

In re Application of	:	
Lawrence SILVERMAN	:	DECISION ON PETITION
Application No. 12/471,553	:	TO MAKE SPECIAL UNDER
Filed: May 26, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 492-002RP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 23, 2009, 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.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 705/14.330) 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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3622 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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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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OFFICE OF PETITIONS

LEYDIG, VOIT & MAYER, LTD.
(FOR HUAWEI TECHNOLOGIES CO., LTD.)
TWO PRUDENTIAL PLAZA SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601

Applicants: Wang, et al.
Appl. No.: 12/471,663
Filing Date: May 26, 2009
Title: METHOD, APPARATUS AND SYSTEM FOR ESTABLISHING A CONNECTION
Attorney Docket: HW704872
Pub. No.: US 2009/0234956 A1
Pub. Date: September 17, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 22, 2009, for the above-identified application.

The request is granted.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/471,667	05/26/2009	Russell John Pylkki	A202 1441.6C3 - 995-USC3	6319

EXAMINER

7590 10/05/2009

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

ART UNIT	PAPER NUMBER
3634	

MAIL DATE	DELIVERY MODE
10/05/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nimi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 10/05/2009 NFARMER
05/27/2009 INTEFSU 00000200 090526 12471667
02 FC:1111 540.00 CR
04 FC:1202 1760.00 CR

Adjustment date: 10/05/2009 NFARMER
05/02/2009 INTEFSU 00006877 090528 12471667
01 FC:1202 1664.00 CR
02 FC:1201 3080.00 CR

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CARTENS & CAHOON, LLP
P.O. BOX 802334
DALLAS TX 75380

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SEP 24 2009

OFFICE OF PETITIONS

In re Application of :
Jay Edward Gehring et al. : DECISION ON PETITION
Application No. 12/471,703 :
Received: May 26, 2008 :
Attorney Docket No. CFLAY.00518 :

This is a decision on the petition under 37 CFR 1.57(a) filed June 25, 2009, to accord a filing date.. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on June May 26, 2009. However, on June 15, 2009, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicants timely filed this petition. Applicants request that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.78.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), where the application includes at least one method claim, a drawing is not considered essential for a filing date. The instant application includes a method claim. Therefore, the instant application is entitled to a filing date without drawings present in the application.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of May 26, 2009 with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

1. Entry of the filing date as May 26, 2009;
2. Correction of Office records, as appropriate, that "**0**" sheets of drawings were present on filing and
3. Issuance of a filing receipt.

Entry of the amendment filed June 25, 2009 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Anthony Knight
Supervisor
Office of Petitions

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NOVO NORDISK, INC.
INTELLECTUAL PROPERTY DEPARTMENT
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

Mail Date: 04/20/2010

Applicant	: Inga Sig Nielsen Norby	: DECISION ON REQUEST FOR
Patent Number	: 7662935	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 12/471,884	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/26/2009	: 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.

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COMMISSIONER FOR PATENTS
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Paper No.

U.S. ARMY SOLDIER SYSTEMS CENTER
LEGAL OFFICE, A306
15 KANSAS STREET
NATICK MA 01760-5035

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AUG 0 4 2009

OFFICE OF PETITIONS

In re Application of :
Doona et al. : DECISION ON PETITION
Application No. 12/471,953 : PURSUANT TO
Date of Deposit: May 26, 2009 : 37 C.F.R. § 1.182
Attorney Docket No. NA-1247 D2 :
Title: CHEMICAL COMBINATION FOR THE:
GENERATION OF DISINFECTANT AND HEAT:

This is a decision on the "RESPONSE TO THE NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b), AND PETITION UNDER 37 CFR 1.57(a)," filed July 1, 2009. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182, requesting that the above-referenced application be accorded a filing date of May 26, 2009, including a specification that was omitted on filing.

The petition is **DISMISSED**.

Application papers in the above-identified application were deposited on May 26, 2009. However, on June 4, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed this petition. In which, Petitioner acknowledges inadvertently omitting the specification on submission of the present application. Petitioner argues, however, that entry of the concurrently submitted specification is merited, due to the fact that the application contains a priority claim - the present application is a divisional of U.S. Application No. 10/988,442.

This submission is being treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by

reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

Petitioner's arguments and evidence have been considered.

M.P.E.P. § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> Material needed to accord an application a filing date may not be incorporated by reference unless an appropriate petition under 37 CFR 1.57(a)(3) or under 37 CFR 1.182 is granted. Until such a petition has been granted, the application will not be entitled to a filing date.
>
> ...
>
> In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. **A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement** (emphasis added), is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.

35 U.S.C. § 120 sets forth, *in pertinent part*:

> An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

As set forth above, this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have

been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.

In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application.

With the present petition, Petitioner has submitted the petition fee and a specification. However, an amendment directing the entry of this specification has not been located in the electronic file. As such, this petition cannot be granted.[2]

It is noted that Petitioner has requested a refund of the $400 fee associated with the filing of this petition, for "Applicants were not required to supply a copy of the prior-filed Application as stated in 37 CFR 1.57(a)(1)(i)."[3] This petition fee cannot be refunded, as this petition was not necessitated by an error of the Office: section 1.4(b) of 37 C.F.R. indicates that "a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical." Petitioner will note that the inclusion of a priority claim in a preliminary amendment does not obviate the need to provide a copy of a necessary[4] portion of an application, even if the paper is identical to that which was previously filed in the prior-filed application to which benefit has been claimed.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled

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1 See Preliminary Amendment to the Specification that was present on filing.
2 See M.P.E.P. § 201.06(c)(IV)(A). See also 37 C.F.R. § 1.121(a).
3 Petition, page 2.
4 35 U.S.C. § 111(a)(2)(A) requires the inclusion of a specification in all patent applications.

"Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner may wish to file an amendment that directs the entry of the specification that was presented concurrently with this petition.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[5], hand-delivery[6], or facsimile[7]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[8].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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Paper No.

U.S. ARMY SOLDIER SYSTEMS CENTER
LEGAL OFFICE, A306
15 KANSAS STREET
NATICK MA 01760-5035

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OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Doona et al. :
Application No. 12/471,953 :
Date of Deposit: May 26, 2009 :
Attorney Docket No. NA-1247 D2 :
Title: CHEMICAL COMBINATION FOR THE:
GENERATION OF DISINFECTANT AND HEAT:

DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, filed on September 28, 2009, requesting that the above-referenced application be accorded a filing date of May 26, 2009, including a specification that was omitted on filing.

The renewed petition is **DISMISSED**.

Application papers in the above-identified application were deposited on May 26, 2009. However, on June 4, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed an original petition pursuant to Rule 1.182 on July 1, 2009. The submission was treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

However, the original petition was dismissed via the mailing of a decision on August 4, 2009, which indicated, in pertinent part:

> "…this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have

> been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.
>
> In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application."
>
> Decision on original petition, pages 2-3.

Both the petition fee and a copy of the specification were submitted with the original petition, however the original petition could not be granted since an amendment directing the entry of the specification was not included.

With this renewed petition, Petitioner has submitted an amendment directing the entry of the specification that was submitted concurrently with the original petition on July 1, 2009. However, **this amendment cannot be entered, as it is contained within the text of this petition.** See 37 C.F.R. § 1.4(c), which sets forth, in pertinent part:

> "[s]ince different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."

As the amendment cannot be entered, this renewed petition cannot be granted.

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

On second renewed petition, Petitioner may wish to file an amendment that directs the entry of the specification that was

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1 See Preliminary Amendment to the Specification that was present on filing.

presented concurrently with the original petition, and said amendment should be contained in a separate paper than the second renewed petition.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[2] hand-delivery,[3] or facsimile.[4] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[5]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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OFFICE OF PETITIONS

Paper No.

U.S. ARMY SOLDIER SYSTEMS CENTER
LEGAL OFFICE, A306
15 KANSAS STREET
NATICK MA 01760-5035

In re Application of :
Doona et al. :
Application No. 12/471,953 :
Filed: May 26, 2009 :
Attorney Docket No. NA-1247 D2 :
Title: CHEMICAL COMBINATION FOR THE GENERATION OF DISINFECTANT AND HEAT:

DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.182, filed on November 12, 2009, requesting that the above-referenced application be accorded a filing date of May 26, 2009, including a specification that was omitted on filing.

This second renewed petition is **GRANTED**.

Application papers in the above-identified application were deposited on May 26, 2009. However, on June 4, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed an original petition pursuant to Rule 1.182 on July 1, 2009. The submission was treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

However, the original petition was dismissed via the mailing of a decision on August 4, 2009, which indicated, in pertinent part:

> "...this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have

> been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.
>
> In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application."
>
> Decision on original petition, pages 2-3.

Both the petition fee and a copy of the specification were submitted with the original petition, however the original petition could not be granted since an amendment directing the entry of the specification was not included.

A renewed petition pursuant to 37 C.F.R. § 1.182 was filed on September 28, 2009, and was dismissed via the mailing of a decision on October 26, 2009, which indicated that the concurrently submitted amendment directing the entry of the specification could not be entered as it had been embedded within the renewed petition.

With this second renewed petition, Petitioner has submitted an acceptable amendment directing the entry of the specification that was submitted to the Office on July 1, 2009.

Both the specification and the amendment received on November 12, 2009 will, of course, be reviewed by the Examiner for new matter.[2] The amendment is not new matter if the substance was a part of the disclosure of prior-filed U.S. Application No. 10/988,442, to which benefit is claimed.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing with a **filing date of May 26, 2009**, using the original application papers filed on that date, as well as the 41 pages of specification that were submitted on July 1, 2009. **OPAP will then mail a filing receipt.**

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[1] See Preliminary Amendment to the Specification that was present on filing.
[2] See MPEP §§ 608.02(h) and 608.04.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

[3] 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 any further action(s) of Petitioner.

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MUNCEY, GEISSLER, OLDS, LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Wolfgang KUCHLER, et al :
Application No. 12/471,964 : DECISION ON PETITION
Filed: May 26, 2009 : TO WITHDRAW
Attorney Docket No. 1005/0157PUS1 : 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 3, 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 to change the correspondence address is not the most current address for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a 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 above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
CHEON, BYEONG GEOL et al :
Application No. 12/472,162 :
Filed: May 26, 2009 :
Attorney Docket No. 0465-2233PUS1 :

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 14, 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 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 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/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

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NOV 06 2009

OFFICE OF PETITIONS

In re Application of
D'Agostino, et al.
Application No. 12/472,219
Filed: May 26, 2009
Attorney Docket No. Tepha/Angiotech

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 11, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, William L. D'Agostino, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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WILLIAM L. D'AGOSTINO
P.O. BOX 2840
NORTH BEND WA 98045

MAILED

NOV 06 2009

OFFICE OF PETITIONS

In re Application of :
D'Agostino, et al. : LETTER
Application No. 12/472,219 :
Filed: May 26, 2009 :
Attorney Docket No. Tepha/Angiotech :

Dear Mr. D'Agostino:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Attorneys of Record: Pabst Patent Group LLP
1545 PEACHTREE STREET NE
SUITE 320
ATLANTA GA 30309

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

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JUL 07 2010

OFFICE OF PETITIONS

In re Application of :
Jose Miguel Ramalho Ribeiro :
Application No. 12/472,243 :
Filed: May 26, 2009 :
Attorney Docket No. 39090-180 :

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, 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 Dickinson Wright, PLLC 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.

The request to change the correspondence address of record is not accepted in view of Dickinson Wright, PLLC 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.

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

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OFFICE OF PETITIONS

U.S. ARMY SOLDIER SYSTEMS CENTER
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NATICK MA 01760-5035

In re Application of :
Doona et al. : DECISION ON PETITION
Application No. 12/472,401 : PURSUANT TO
Date of Deposit: May 27, 2009 : 37 C.F.R. § 1.182
Attorney Docket No. NA-1247 D4 :
Title: CHEMICAL COMBINATION FOR :
GENERATION OF DISINFECTANT AND HEAT:

This is a decision on the "RESPONSE TO THE NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b), AND PETITION UNDER 37 CFR 1.57(a)," filed July 1, 2009. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182, requesting that the above-referenced application be accorded a filing date of May 27, 2009, including a specification that was omitted on filing.

The petition is **DISMISSED**.

Application papers in the above-identified application were deposited on May 27, 2009. However, on June 8, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed this petition. In which, Petitioner acknowledges inadvertently omitting the specification on submission of the present application. Petitioner argues, however, that entry of the concurrently submitted specification is merited, due to the fact that the application contains a priority claim - the present application is a divisional of U.S. Application No. 10/988,442.

This submission is being treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by

reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

Petitioner's arguments and evidence have been considered.

M.P.E.P. § 201.06(c)(IV)(A) sets forth, *in pertinent part*:

> Material needed to accord an application a filing date may not be incorporated by reference unless an appropriate petition under 37 CFR 1.57(a)(3) or under 37 CFR 1.182 is granted. Until such a petition has been granted, the application will not be entitled to a filing date.
>
> ...
>
> In an application containing an explicit incorporation by reference statement in the specification or in a transmittal letter (if the transmittal letter was filed prior to September 21, 2004), a petition for the granting of a filing date may be made under 37 CFR 1.182. **A petition under 37 CFR 1.182 and the required petition fee, including an amendment submitting the necessary omitted material, requesting that the necessary omitted material contained in the prior application and submitted in the amendment, be included in the continuation or divisional application based upon the incorporation by reference statement** (emphasis added), is required in order to accord the application a filing date as of the date of deposit of the continuation or divisional application. An amendment submitting the omitted material and relying upon the incorporation by reference will not be entered in the continuation or divisional application unless a decision granting the petition states that the application is accorded a filing date and that the amendment will be entered.

35 U.S.C. § 120 sets forth, *in pertinent part*:

> An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

As set forth above, this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have

been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.

In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application.

With the present petition, Petitioner has submitted the petition fee and a specification. However, an amendment directing the entry of this specification has not been located in the electronic file. As such, this petition cannot be granted.[2]

It is noted that Petitioner has requested a refund of the $400 fee associated with the filing of this petition, for "Applicants were not required to supply a copy of the prior-filed Application as stated in 37 CFR 1.57(a)(1)(i)."[3] This petition fee cannot be refunded, as this petition was not necessitated by an error of the Office: section 1.4(b) of 37 C.F.R. indicates that "a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical." Petitioner will note that the inclusion of a priority claim in a preliminary amendment does not obviate the need to provide a copy of a necessary[4] portion of an application, even if the paper is identical to that which was previously filed in the prior-filed application to which benefit has been claimed.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled

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1 See Preliminary Amendment to the Specification that was present on filing.
2 See M.P.E.P. § 201.06(c)(IV)(A). See also 37 C.F.R. § 1.121(a).
3 Petition, pages 1-2.
4 35 U.S.C. § 111(a)(2)(A) requires the inclusion of a specification in all patent applications.

"Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

On renewed petition, Petitioner may wish to file an amendment that directs the entry of the specification that was presented concurrently with this petition.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[5], hand-delivery[6], or facsimile[7]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[8].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions

5 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
6 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
7 (571) 273-8300- please note this is a central facsimile number.
8 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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Paper No.

U.S. ARMY SOLDIER SYSTEMS CENTER
LEGAL OFFICE, A306
15 KANSAS STREET
NATICK MA 01760-5035

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NOV 2 4 2009

OFFICE OF PETITIONS

In re Application of :
Doona et al. : DECISION ON RENEWED
Application No. 12/472,401 : PETITION PURSUANT TO
Date of Deposit: May 27, 2009 : 37 C.F.R. § 1.182
Attorney Docket No. NA-1247 D4 :
Title: CHEMICAL COMBINATION FOR :
GENERATION OF DISINFECTANT AND HEAT:

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.182, filed on September 25, 2009, requesting that the above-referenced application be accorded a filing date of May 27, 2009, including a specification that was omitted on filing.

This renewed petition is **DISMISSED**.

Application papers in the above-identified application were deposited on May 27, 2009. However, on June 8, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed an original petition pursuant to 37 C.F.R. § 1.182 on July 1, 2009. The submission was treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

However, the original petition was dismissed via the mailing of a decision on August 4, 2009, which indicated, *in pertinent part*:

> "…this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.
>
> In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application."
>
> Decision on original petition, pages 2-3.

Both the petition fee and a copy of the specification were submitted with the original petition, however the original petition could not be granted since an amendment directing the entry of the specification was not included.

With this renewed petition, Petitioner has submitted an amendment directing the entry of the specification that was submitted concurrently with the original petition on July 1, 2009.[2] However, **this amendment cannot be entered, as it is contained within the text of this petition.** See 37 C.F.R. § 1.4(c), which sets forth, in pertinent part:

> "[s]ince different matters may be considered by different branches or sections of the United States Patent and Trademark Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects."

As the amendment cannot be entered, this renewed petition cannot be granted.

The time period for filing a second renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted.** The reply should include a cover letter entitled "Second Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

---

1 See Preliminary Amendment to the Specification that was present on filing.
2 See renewed petition, page 2.

On second renewed petition, Petitioner may wish to file an amendment that directs the entry of the specification that was presented concurrently with the original petition, and said amendment should be contained in a separate paper than the second renewed petition.

The second renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[3] hand-delivery,[4] or facsimile.[5] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[6]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
5 (571) 273-8300 - please note this is a central facsimile number.
6 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

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NATICK MA 01760-5035

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of :
Doona et al. :
Application No. 12/472,401 :
Date of Deposit: May 27, 2009 :
Attorney Docket No. NA-1247 D4 :
Title: CHEMICAL COMBINATION FOR :
GENERATION OF DISINFECTANT AND HEAT:

DECISION ON SECOND RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.182

This is a decision on the second renewed petition pursuant to 37 C.F.R. § 1.182, filed on December 1, 2009, requesting that the above-referenced application be accorded a filing date of May 27, 2009, including a specification that was omitted on filing.

This second renewed petition is **GRANTED**.

Application papers in the above-identified application were deposited on May 27, 2009. However, on June 8, 2009, the Office of Data Management mailed Applicant a "Notice of Incomplete Nonprovisional Application," notifying Applicant that the application papers had not been accorded a filing date because the application was deposited without a specification.

In response, Applicants timely filed an original petition pursuant to 37 C.F.R. § 1.182 on July 1, 2009. The submission was treated as an assertion that the specification was constructively present in the present application on filing, by virtue of the incorporation by reference of the prior-filed non-provisional application to which benefit is claimed, pursuant to M.P.E.P. § 201.06(c)(IV)(A).

However, the original petition was dismissed via the mailing of a decision on August 4, 2009, which indicated, *in pertinent part*:

> "…this application is a divisional of U.S. Application No. 10/988,442, and the contents of the same have been incorporated by reference.[1] Thus, pursuant to 35 U.S.C. § 120, the application as filed is considered to have incorporated by reference the prior-filed application as to the inadvertently omitted specification.
>
> In view of the incorporation by reference of the prior-filed application to which priority has been claimed, the specification supplied concurrently with this petition on July 1, 2009 would not constitute new matter if it were a part of the original disclosure of the prior-filed application."
>
> Decision on original petition, pages 2-3.

Both the petition fee and a copy of the specification were submitted with the original petition, however the original petition could not be granted since an amendment directing the entry of the specification was not included.

A renewed petition pursuant to 37 C.F.R. § 1.182 was filed on September 25, 2009, and was dismissed via the mailing of a decision on November 24, 2009, which indicated that the concurrently submitted amendment directing the entry of the specification could not be entered as it had been embedded within the renewed petition.

With this second renewed petition, Petitioner has submitted an acceptable amendment directing the entry of the specification that was submitted to the Office on July 1, 2009.

Both the specification received on July 1, 2009 and the amendment received on December 1, 2009 will, of course, be reviewed by the Examiner for new matter.[2] The amendment is not new matter if the substance was a part of the disclosure of prior-filed U.S. Application No. 10/988,442, to which benefit is claimed.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing with a **filing date of May 27, 2009**, using the original application papers filed on that date, as well as the 41 pages of specification that were submitted on July 1, 2009. **OPAP will then mail a filing receipt**.

---

1 See Preliminary Amendment to the Specification that was present on filing.
2 See MPEP §§ 608.02(h) and 608.04.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[3]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

[3] 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 any further action(s) of Petitioner.

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In re Application of
Craig W. Roddy

Application No. 12472561

Filed: May 27,2009

Attorney Docket No. 2006-IP-022123U1P1P1

: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-DEC-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.

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TECHNOLOGY CENTER 2600

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of:
MYERS, THEODORE J. et al
Serial No.: 12/472,642
Filed: May 27, 2009

Title: **SPREAD SPECTRUM WITH DOPPLER OPTIMIZATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on May 27, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II. Item 6.5.

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of ***each benefit application***. As set forth supra, "*if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph,* ***in each such application in which such supports exists***". It is noted, the instant application also claims benefit to parent application 12/189,619, which claims priority from provisional application 61/037,522, and parent applications 12/189,533; 12/189,609; 12/189,505; 12/276,971; 12/345,267 and 12/345,374. The petitioner has not provided a showing of support for each of these benefit applications. Therefore, an updated accelerated examination support document must be provided which shows where each limitation of the claims finds support in each of these benefit applications as well.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

United States Patent and Trademark Office

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OCT 28 2009

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TECHNOLOGY CENTER 2600

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of:
MYERS, THEODORE J. et al
Serial No.: 12/472,642
Filed: May 27, 2009

Title: **SPREAD SPECTRUM WITH DOPPLER OPTIMIZATION**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on October 15, 2009 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed September 16, 2009 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

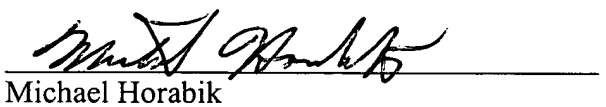
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.



Michael Horabik
Quality Assurance Specialist
Technology Center 2600
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WINSTON & STRAWN, LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON, DC 20006

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APR 06 2010

OFFICE OF PETITIONS

In re Application of
Amnon Kritzman, et. al.
Application No. 12/472,653
Filed: May 27, 2009
Attorney Docket No. 81435-496

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed October 20, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application file is being referred to Technology Center Art Unit 1797 for examination in due course.

Telephone inquiries regarding this decision should be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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United States Patent and Trademark Office
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APR 06 2010

OFFICE OF PETITIONS

Amnon Kritzman
P.O. Box 5281
Karkur 37000, **ISRAEL**

In re Application of
Amnon Kritzman, et. al.
Application No. 12/472,653
Filed: May 27, 2009
For: METHODS FOR MONITORING PATHOLOGICAL CONDITIONS IN A FEMALE SUBJECT

Dear Amnon Kritzman:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Andrea Smith at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

cc: Winston & Strawn, LLP
Patent Department
1700 K Street, N.W.
Washington, DC 20006

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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.
12/472,798	05/27/2009	Atsuhiko Hirata	M1071.2134	8357

7590 10/14/2009
DICKSTEIN SHAPIRO LLP
1633 Broadway
NEW YORK, NY 10019

EXAMINER

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
10/14/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
10/14/2009 0030075551

Credit Card Refund Total: $540.00

Adjustment date: 10/14/2009 NFARMER
05/28/2009 INTEFSW 00001758 12472798
02 FC:1111 -540.00 OP

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/472,809	05/27/2009	Steven D. Lester	030348.00032	8384

68543 7590 02/22/2010

Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
02/22/2010	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):

LAIPDocket@arentfox.com
Patent_Mail@arentfox.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles CA 90013

In re Application of	:	
Lester et al.	:	DECISION ON PETITION
Application No. 12/472,809	:	TO MAKE SPECIAL UNDER
Filed: 27 May 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 030348.00032	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 14 January 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.

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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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CORPORATE INTELLECTUAL PROPERTY- UW2220
P.O. BOX 1539
KING OF PRUSSIA, PA 19406-0939

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APR 13 2010

OFFICE OF PETITIONS

In re Application of :
Stephen Moore :
Application No.: 12/472,819 : ON PETITION
Filed: May 27, 2009 :
Attorney Docket No.: P51352C1 :

This is a decision on the petition, filed April 12, 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 31, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1626 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/SDB/

Sherry D. Brinkley
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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OFFICE OF PETITIONS

SWANSON & BRATSCHUN, L.L.C.
8210 SOUTHPARK TERRACE
LITTLETON CO 80120

In re Application of :
Teruo Umemoto :
Application No. 12/473,129 : ON PETITION
Deposited: May 27, 2009 :
Attorney Docket No. 0252.2003USDIV :

This is in response to the "PETITION TO CORRECT FILING DATE AND TO REFUND PETITION FEE" filed October 16, 2009, requesting that the above-referenced application be accorded a filing date of May 27, 2009. This petition is being treated pursuant to 37 CFR 1.53.

Application papers in the above-identified application were deposited on May 27, 2009 and the application was accorded a filing date of May 27, 2009. On June 10, 2009 the Office mailed a Notice to File Corrected Application Papers Filing Date Granted (Notice). The Notice indicated a substitute specification was required. On August 4, 2009, in response to the Notice applicant filed a substitute specification and 2 sheets of drawings (no drawings had been filed with the original filing of the application). The material in table 3 of the original specification was converted to a drawing figure to comply with the Notice. In response thereto the Office mailed a new Filing Receipt on August13, 2009 indicating the filing date of the application was now August 4, 2009.

Petitioner argues that the changing of the filing date due to the addition of drawing figures was inappropriate due to the fact that the application contained at least one method claim (MPEP 601.01(f)). A review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date.

Accordingly, the Office should not have changed the filing date from May 27, 2009 to August 4, 2009 due to the addition of a drawing figure.

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of May 27, 2009 in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded to petitioner's deposit account.

Pursuant to this decision, the application will be referred to Office of Patent Application Processing for:

- **correction of the filing date to May 27, 2009**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed August 4, 2009 will be determined by the examiner.

Telephone inquiries concerning this matter may be directed to Carl Friedman at (571) 272-6842.

David Bucci
Supervisor
Office of Petitions

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BLYNN L. SHIDELER
THE BLK LAW GROUP
3500 BROKKTREE ROAD
SUITE 200
WEXFORD, PA 15090

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DEC 2 2 2009

OFFICE OF PETITIONS

In re Application of
Eric J. Ayers, et al.
Application No. 12/473,244
Filed: April 27, 2009
Attorney Docket No.: Starr-0804

: DECISION REFUSING STATUS
: UNDER 37 CFR § 1.47(a)

This is a decision in response to the petition, filed October 9, 2009, which is being treated under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has shown that the non-signing inventor Patrick W. Truitt has refused to join in the filing of the above-identified application. The petition includes authorization for payment of the petition fee and a statement of the last known address of the non-signing inventor. However, the petition does not include an acceptable declaration.

Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a) and § 1.63(c)(1), an acceptable oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify all the inventors by name, citizenship and, unless such information is supplied on an application data sheet (ADS) in accordance with § 1.76, must also identify the mailing address, and the residence of each inventor, if an inventor lives at a location which is different from where the inventor customarily receives mail.

It is noted that the ADS submitted on filing does not comply with the requirements of 37 CFR § 1.76 as the ADS does not include the mailing address and the residence address of joint inventor Patrick W. Truitt. The declaration submitted on October 9, 2009 does not identify the mailing and/or residence address of each inventor. Accordingly, the petition cannot be granted until an acceptable declaration under 37 CFR § 1.63 or ADS in compliance with § 1.76 is filed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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BLYNN L. SHIDELER
THE BLK LAW GROUP
3500 BROKKTREE ROAD
SUITE 200
WEXFORD, PA 15090

In re Application of
Eric J. Ayers, et al.
Application No. 12/473,244
Filed: May 27, 2009
Attorney Docket No. Starr-0804

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed January 7, 2010.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Patrick W. Pruitt has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MR. PATRICK W. PRUITT
3324 MACINTIRE DRIVE
MURRYSVILLE, PA 15668

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FEB 18 2010

In re Application of :
Eric J. Ayers, Bernard F. Hete and :
Patrick W. Truitt : LETTER
Application No. 12/473,244
Filed: May 27, 2009 :
For: SMALL ANIMAL PULSE OXIMETER:
USER INTERFACE :

Dear Mr. Pruitt:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint 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 make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: BLYNN L. SHIDELER
THE BLK LAW GROUP
3500 BROKKTREE ROAD
SUITE 200
WEXFORD, PA 15090

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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In re Application of
Helbert Jonaitis

Application No. 12473271

Filed:

Attorney Docket No. HJ09001

:
:
: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 28-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.

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P.O. BOX 302
3325 GREENWOOD DRIVE
SPRINGTOWN PA 18081

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OFFICE OF PETITIONS

In re Application of	:	
John D. Lynn	:	
Application No. 12/473,300	:	DECISION ON PETITION
Filed: May 28, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. RETECH-4-US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 28, 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 from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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 1793 for action on the merits commensurate with this decision.

Terri Williams
Petitions Examiner
Office of Petitions

PTO/SB/130 (03-08)
Approved for use through 06/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12473467	Confirmation Number	9662	Filing Date	2009-05-28
Attorney Docket Number (optional)	8273/0003PCO1	Art Unit	3727	Examiner	SPISICH, MARK
First Named Inventor	JEREMIAH BOHANNON				
Title of Invention	CLEANING DEVICE FOR GOLF EQUIPMENT				

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
DARRELL	S	STALEY	

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	/Matthew J. Lattig/	Date (YYYY-MM-DD)	2009-05-28
Name	Matthew J. Lattig	Registration Number	45274

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.

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In re Application of
JEREMIAH BOHANNON

Application No. 12473467

Filed:

Attorney Docket No. 8273/0003PCO1

:
:
: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 28-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.

2 8 SEP 2009

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RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY NY 11560

In re Application of	:	
FRATTI	:	
Application No.: 12/473,509	:	
Attorney Docket No.: Fratti 33	:	DECISION
For: INTEGRATED AUDIOVISUAL OUTPUT DEVICE	:	

This decision is in response to applicant's submission filed 10 August 2009, which has properly been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 03 May 2007, applicant filed international application PCT/US2007/068096, which designated the United States and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 13 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 November 2009.

On 28 May 2009, applicants filed application papers in the USPTO via the EFS-Web electronic filing system ("EFS-Web").

On 23 June 2009, applicant filed a submission including a copy of the published international application.

On 17 July 2009, the USPTO mailed a NOTICE OF INCOMPLETE PROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) which indicated, *inter alia*, that the specification and at least one claim was missing.

On 10 August 2009, applicant filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition under 37 CFR 1.181 urges that the submission filed 28 May 2009 was improperly treated by the USPTO as a filing under 35 U.S.C. 111(a) rather than as a filing under 35 U.S.C. 371.

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.

The Transmittal Letter (Form PTO-1390) filed on 28 May 2009 identified the application as a 371 of international application number PCT/US2007/068096. However, when filing the application electronically, applicant selected in the Graphical User Interface, the radio button "Utility (Utility under 35 USC 111(a))" rather than the radio button "U.S. National Stage under 35 U.S.C. 371". The selection of the "Utility (Utility under 35 USC 111(a))" button is inconsistent with and contradicts the Transmittal Letter filed 28 May 2009. Since applicant gave conflicting instructions, the papers were properly considered as having been filed under 35 U.S.C. 111(a).

Continuation Application

Applicant is entitled to claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international application for the common subject matter, since this application (Serial No. 12/473,509) and the international application (PCT/US2007/068096) designating the United States were copending. However, this reference (which must be in either the first sentence of the specification or the Application Data Sheet) must be submitted within the later of four months from the actual filing date of this application or sixteen months from the filing date of the international application. 37 CFR 1.78(a)(2)(ii). Applicant may file a petition to accept an unintentionally delayed claim under 37 CFR 1.78(a)(3) for the benefit of the international application.

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit certified copies of the priority documents. The certified copies of priority documents submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP § 1896.

CONCLUSION

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

This application is accepted as an application filed under 35 U.S.C. 111(a).

The application will be forwarded to the Initial Processing Division for processing as an application filed under 35 U.S.C. 111(a) having application number **12/473,509** and having a filing date of **23 June 2009**. (Although the NOTICE OF INCOMPLETE PROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b) mailed 17 July 2009 indicates that a specification and at least one claim are missing, a specification and claims were filed 23 June 2009.)

/Daniel Stemmer/

Daniel Stemmer
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.
12/473,509	06/23/2009	Roger A. Fratti	Fratti 33	9740

EXAMINER

7590 03/04/2010

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
03/04/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

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

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

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

Kalatus

Patent Publication Branch
Office of Data Management

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12/473,509	06/23/2009	Roger A. Fratti	Fratti 33	9740

7590 03/04/2010

RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY, NY 11560

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
03/04/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is 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 granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

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

Kabetha Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 03/08/2010 KKING1
05/28/2009 INTEFSW 00010130 12473509
02 FC:1111 -540.00 DP
04 FC:1202 -416.00 DP

Refund Ref:
03/08/2010 0030080832

Credit Card Refund Total: $956.00

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/473,670	05/28/2009	Paul S. Potok	358325.00004-U1	1055

74222 7590 07/27/2009

Saul Ewing LLP (Harrisburg)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street
Harrisburg, PA 17101

EXAMINER	
ART UNIT	PAPER NUMBER
3764	

MAIL DATE	DELIVERY MODE
07/27/2009	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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Saul Ewing LLP (Harrisburg)
Attn: Patent Docket Clerk
Penn National Insurance Plaza
2 North Second Street
Harrisburg PA 17101

In re Application of: Paul Potok.	:	
Application No.: 12/473670	:	DECISION ON PETITION TO
Filed: May 28, 2009	:	MAKE SPECIAL FOR NEW
Title: EXERCISE APPARATUS FOR	:	APPLICATION UNDER 37
PERFORMING AN ARMLESS PUSH-UP AND	:	C.F.R. § 1.102 & M.P.E.P. §
METHOD OF USING SAME	:	708.02

This is a decision on the petition filed on May 28, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.2, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.3 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the four page PTO/SB/28 form, the "pre-examination search document" including pages 1-11; the "accelerated examination support document" comprising pages 1-17, and an Information Disclosure Statement including form PTO/SB/08A(substitute PTO-1449 A).

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 482 subclasses 14, 23, 51, 70, 79, 96, 101, 130, 132, 135, 139, and 146. Searching in class D21 subclasses 662, 667, and 674 is also required. Keywords that must be used in an East or West search: (rail or track); (carriage or trolley); and (slide$4 same rail).

With respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, dependent claim 2 is not discussed. For these reasons, the petition does not meet the requirement of section II, element 6.3

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. Petitioner points to general statements in the specification rather than to where each limitation is supported in the manner required by 35 USC 112, first paragraph.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (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 all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

Linda J. Sholl
Special Programs Examiner
Technology Center 3700

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2 North Second Street
Harrisburg PA 17101

MAILED SEP 10 2009

In re Application of: Paul S. Potok
Application No.: 12/473,670
Filed: May 28, 2009
Docket: 358325.00004-U1
Title: EXERCISE APPARATUS FOR PERFORMING AN ARMLESS PUSH-UP AND METHOD OF USING SAME

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on August 11, 2009 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

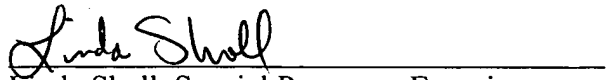
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



Linda Sholl, Special Programs Examiner
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