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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,106	07/30/2009	Ki-sang KIM	SEC.584DC4	5071

20987 7590 10/14/2009

VOLENTINE & WHITT PLLC
ONE FREEDOM SQUARE
11951 FREEDOM DRIVE SUITE 1260
RESTON, VA 20190

EXAMINER	
ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
10/14/2009	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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10/14/09

In re application of
Ki-Sang Kim et al
Serial No. 12/512,106
Filed: July 30, 2009
For: MULTI-CHAMBER SYSTEM HAVING COMPACT INSTALLATION SET-UP FOR AN ETCHING FACILITY FOR SEMICONDUCTOR DEVICE MANUFACTURING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed on July 30, 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.

The statement showing support for the present claims on pages 9-11 of the AESD is not sufficient. It is required that petitioner provide a showing of where each limitation of each of the claims finds support under 35 USC 112, first paragraph, in the written description of the present application, as well as parent applications 12/425,426; 11/167,175; 10/298,605 and 09/237,229 as applicant has claimed priority to each of these applications. Merely saying that support in the disclosure is found in Figures 6 and 10 (with several, but not all items, discussed) is not sufficient.

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.
12/512,106	07/30/2009	Ki-sang KIM	SEC.584DC4	5071

20987 7590 11/10/2009

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EXAMINER	
ART UNIT	PAPER NUMBER
1792	

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11/10/2009	PAPER

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

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

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11/10/09

CST

In re application of
Ki-Sang Kim et al
Serial No. 12/512,106
Filed: July 30, 2009
For: MULTI-CHAMBER SYSTEM HAVING COMPACT INSTALLATION SET-UP FOR AN ETCHING FACILITY FOR SEMICONDUCTOR DEVICE MANUFACTURING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Request for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on November 5, 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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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
CHUJOH, TAKESHI, et al.
Application No. 12/512,116
Filed: July 30, 2009
Attorney Docket No. **345759US2SRD 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 July 30, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

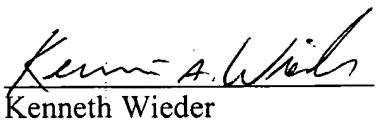
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

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

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

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



Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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AUG 13 2009

Houston Office of Novak, Druce and Quigg LLP
1000 Louisiana Street
Fifty-Third Floor
Houston, TX 77002

In re application of	:	**DECISION ON REQUEST TO**
Paul-Gerhard Bitzer et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/512,260	:	**PROSECUTION HIGHWAY**
Filed: July 30, 20089	:	**PROGRAM AND PETITION**
For: DRIVE ASSISTANCE FOR A WHEEL CHAIR AND A WHEEL CHAIR HAVING A DRIVE ASSISTANCE DEVICE	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 30, 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 DPMA;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DE 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 DE application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the DE 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 DE examiner in the DE Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the DE application. Specifically, it looks like claim 2 adds that "...the control unit operates **optionally** in a normal operating mode". Specifying that the control unit operates "optionally" is not present in corresponding claim 2 of the DE application. Claim 5 includes many instances of language that does not correspond to claim 5 of the DE application; too numerous to completely list.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 8/12/09

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Houston Office of Novak, Druce and Quigg LLP
1000 Louisiana Street
Fifty-Third Floor
Houston, TX 77002

In re application of	:	**DECISION ON REQUEST TO**
Paul-Gerhard Bitzer et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/512,260	:	**PROSECUTION HIGHWAY**
Filed: July 30, 20089	:	**PROGRAM AND PETITION**
For: DRIVE ASSISTANCE FOR A WHEEL CHAIR AND A WHEEL CHAIR HAVING A DRIVE ASSISTANCE DEVICE	:	**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:

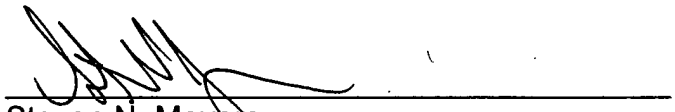
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation 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 the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

In light of renewed petition, which includes a preliminary amendment that amended the claims to precisely correspond to the above-noted allowed JPO claims, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 9/6/09

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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JUN 07 2010

OFFICE OF PETITIONS

In re Application of
William McCulloch, et al.
Application No. 12/512,419
Filed: July 30, 2009
Attorney Docket No. 2007233-0088

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
William McCulloch, et al. :
Application No. 12/512,419 : DECISION ON PETITION
Filed: July 30,2009 : TO WITHDRAW
Attorney Docket No. 2007233-0088 : 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 June 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 John D. Lanza on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GLOUCESTER PHARMACEUTICALS, INC.**
One Broadway, 14th Floor
Cambridge, MA 02142

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/512,419	07/30/2009	William McCulloch	2007233-0088

CONFIRMATION NO. 5685

POWER OF ATTORNEY NOTICE

24280
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

Date Mailed: 07/02/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/23/2010.

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

/tsjohnson/

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

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAIL

OCT 02 2009

DIRECTOR'S OFFICE
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In re Application of :
CHUJOH, TAKESHI, et al. :
Application No. 12/512,654 :
Filed: July 30, 2009 :
Attorney Docket No. 345800US2SRD 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 July 30, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH program and petition 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

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.
12/512,708	07/30/2009	Kevin Elliot Kriesler	GCS-0014-US2	6228

23413 7590 03/22/2010

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER	
ART UNIT	PAPER NUMBER
1794	

NOTIFICATION DATE	DELIVERY MODE
03/22/2010	ELECTRONIC

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

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

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

usptopatentmail@cantorcolburn.com

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

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAR 2 2 2010

In re Application of	:	
Kriesler et al.	:	DECISION ON PETITION
Application No. 12/512,708	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **GCS-0014-US2**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/12/2010, 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 9.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 426/007.000) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 9, petitioner should note that since 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 1794 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,729	07/30/2009	Beom-Wook Lee	SDIYPL.022C1	6260

7590 11/02/2009

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
BERNSHTEYN, MICHAEL	

ART UNIT	PAPER NUMBER
1796	

NOTIFICATION DATE	DELIVERY MODE
11/02/2009	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:
10/30/2009 2338876217

Credit Card Refund Total: $540.00

Master Cd XXXXXXXXXXXX5565

Adjustment date: 10/30/2009 NFARMER
07/31/2009 INTEFSL 00003703 12512729
02 FC:1111 -540.00 OP

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MAIL

OCT 02 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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. 12/512,764	:	PARTICIPATE IN PATENT
Filed: July 30, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 345805US2SRD 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 July 30, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

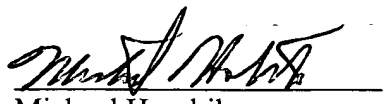
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

The request to participate in the PPH program and petition 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

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,819	07/30/2009	Mihai Ciuc	FN-318B-US	6425

72104 7590 03/09/2010

Tessera/FotoNation
Patent Legal Dept.
3025 Orchard Parkway
San Jose, CA 95134

EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
03/09/2010	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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TESSERA/FOTO NATION
PATENT LEGAL DEPT.
3025 ORCHARD PARKWAY
SAN JOSE,CA 95134

MAIL

MAR 08 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Ciuc, Mihai *et al*
Serial No.: 12/512,819
Filed: July 30, 2009
For: AUTOMATIC FACE
AND SKIN BEAITIFICATION
USING FACE DETECTION

DECISION ON PETITION

ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition under 37 CFR §1.184(a)(2), filed July 30, 2009 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS. 1A, 1B, 2A, 2B, and 2C 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 is GRANTED.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J C PATENTS
4 VENTURE, SUITE 250
IRVINE, CA 92618

MAILED

MAR 02 2010

OFFICE OF PETITIONS

In re Application of :
Pin-Shiun Chen : DECISION REFUSING STATUS
Application No. 12/512,894 : UNDER 37 CFR 1.47(b)
Filed: July 30, 2009 :
Attorney Docket No. JCLA28715 :

This is in response to the "Petition Under 37 CFR 1.47(b), filed July 30, 2009.

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 item (6) set forth above.

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.

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
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

MAIL

MAR 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of
HAN, SEUNG HEE. Et al.
Application No. 12/512,922
Filed: July 30, 2009
Attorney Docket No.: **2101-3442C1**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 4, 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:

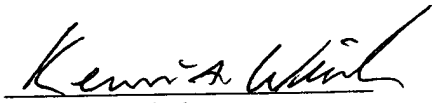
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation 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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,979	07/30/2009	HOWARD W.H. LEE	026335-003410US	6709

20350 7590 06/28/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
RIDLEY, BASIA ANNA	
ART UNIT	**PAPER NUMBER**
1795	

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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

JUN 28 2010

In re Application of	:	
Lee	:	DECISION ON PETITION
Application No. 12/512,979	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **026335-003410US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/22/2010, 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 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 1795 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/512,979	07/30/2009	HOWARD W.H. LEE	026335-003410US	6709

20350 7590 07/13/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
RIDLEY, BASIA ANNA	

ART UNIT	PAPER NUMBER
1795	

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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TOWNSEND AND TOWNSEND AND CREW, LLP
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EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

JUL 13 2010

In re Application of	:	
Lee	:	DECISION ON PETITION
Application No. 12/512,979	:	TO MAKE SPECIAL UNDER
Filed: 7/30/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **026335-003410US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 7/2/2010, 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 **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

01 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE WA 98101-2347

In re Application of:	:	
FLAIM, et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/513,347	:	UNDER 37 CFR 1.28(c)
Int'l Application No: PCT/CA2007/001984	:	
Int'l Filing Date: 05 November 2007	:	
Priority Date: 03 November 2006	:	
Atty Docket No.: LAMA133240	:	
For: MICROFLUIDIC DEVICE HAVING AN ARRAY OF SPOTS	:	

The request under 37 CFR 1.28 (c) filed 30 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant has provided a statement from an individual authorized to act on the behalf of applicant pursuant to 37 CFR1.33(b). The statement makes clear that the initial assertion was made in good faith. Applicant has presently itemized the fees at issue and provided payment of the outstanding balance. Therefore, the request rescind the assertion of small entity status and change the status of applicant to that of large entity is granted as to the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision; specifically the preparation and mailing of an Official Filing receipt which indicates applicant's as large entity.

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

30 DEC 2009

United States Patent and Trademark Office

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

Danaher Product ID
1500 Mittel Blvd
Wood Dale IL 60191

In re Application of :
Fowkes et al. :
Application No. 12/513,636 :
PCT No.: PCT/GB2007/004147 :
Int. Filing Date: 31 October 2007 : DECISION
Priority Date: 07 November 2006 :
Att. Docket No.: D-835 :
For: Verification Method. :

The petition to revive under 37 CFR 1.137(b) filed on 02 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

It is noted that applicants paid a petition fee in the amount of $1540.00, but the current fee amount is $1620.00. In order to expedite the treatment of this petition, the fees paid on 02 November 2009 have been re-allocated in order to complete the petition fee, as well as the surcharge under 37 CFR 1.492(h).

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **02 November 2009**.

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

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United States Patent and Trademark Office
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DEC 16 2009

OFFICE OF PETITIONS

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

In re Application of :
ZIMMERMANN, Stefan et al. :
Application No. 12/513,715 : DECISION ON PETITION
Filed: July 30, 2009 : TO WITHDRAW
Attorney Docket No. **13077-00385-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 October 26, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to CONNOLLY BOVE LODGE & HUTZ, LLP has been revoked by the assignee of the patent application on December 03, 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 Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **GOODWIN PROCTER LLP**
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON, MA 02109-2881

UNITED STATES PATENT AND TRADEMARK OFFICE

05 APR 2010

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Alexandria, VA 22313-1450
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Seth Z. Kalson
c/o CPA Global
P.O. Box 52050
Minneapolis, MN 55402

In re Application of :
PRAMMER et al. :
Application No.: 12/513,792 : DECISION ON PETITION
PCT No.: PCT/US2006/047974 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 December 2006 :
Priority Date: None :
Attorney Docket no.: hal.2006-IP-020853US :
For: HIGH-RESOLUTION WIRELINE NUCLEAR MAGNETIC RESONANCE TOOL :

The petition to revive under 37 CFR 1.137(b) filed 02 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 R

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

- 5 FEB 2010

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FULBRIGHT & JAWORSKI L.L.P.
Attn: MN IP Docket
600 Congress Avenue
Suite 2400
Austin TX 78701

In re Application of	:	
GAITONDE, Abhay, et al.	:	
Application No.: 12/513,800	:	
PCT No.: PCT/EP2007/062176	:	
Int. Filing Date: 09 November 2007	:	DECISION
Priority Date: 09 November 2006	:	
Attorney's Docket No.: VESH-022/PUS	:	
For: SYNTHESIS OF TEGASEROD OR A SALT THEREOF	:	

This decision is in response to applicants' "Request for Refund to Deposit Account," filed in the United States Patent and Trademark Office on 07 December 2009.

On 07 December 2009, applicants filed a request to refund $1948 in 35 USC 371 filing fees because applicants have chosen to no pursue this application.

Under 37 CFR 1.26, the Office may refund fees paid by mistake or in excess of what was due. Neither applies here. Further, the rule specifically excludes a "change of purpose after the payment of the fee, such as when a party desires to withdraw a patent filing for which the fee was paid," from grounds for a refund.

For the above reasons, applicants' petition for refund of their filing fees in the above application is **DISMISSED** without prejudice.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

05 MAR 2010

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Irving M. Weiner
WEINER & BURT, P.C.
635 N. US-23
P.O. Box 186
Harrisville, MI 48740

In re Application of	:	
KEVIN WEEKS	:	
Appl. No.: 12/513,811	:	DECISION ON
PCT No.: PCT/AU07/01680	:	REQUEST FOR REFUND
Int. Filing Date: 01 November 2007	:	UNDER 37 CFR 1.181
Priority Date: 06 November 2006	:	
Agent's File Reference: LEP317A	:	
For: A FLOOR PIER SUPPORT		

This decision is in response to applicant's communication filed 10 September 2009. Applicant's communication has been treated as a petition under 37 CFR 1.181 for the refund of fees in the amount of $65. The petition is **DISMISSED.**

BACKGROUND

On 06 May 2009, applicant filed U.S. application 12/513,811 as a national stage entry of international application PCT/AU07/01680. An oath/declaration was not included with the application papers.

On 07 June 2009, applicant filed an executed oath/declaration accompanied by an authorization by counsel to charge the surcharge in the amount of $65 to applicant's credit card.

On 10 September 2009, applicant filed the present petition requesting a refund of the $65 surcharge.

DISCUSSION

A review of the application file reveals that the oath/declaration filed on 07 June 2009 was filed after the expiration of 30 months from the earliest priority date, which for the present application is 06 November 2006. See 37 CFR 1.495(b)(2). In that the oath/declaration was submitted after the 30 month deadline, the charging of the surcharge to applicant's credit card in the amount of $65 was proper.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Any further correspondence with respect to this matter should be directed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1451, Alexandria, VA 22313-1450.

Counsel is reminded that the communication filed 10 September 2009 was neither signed nor accompanied by counsel's registration number. Correspondence to be filed in a U.S. patent application must be signed in accordance with 37 CFR 1.4(d).

Richard Cole
PCT Legal Examiner
PCT Legal Office

Jeremy Fleming
Paralegal Specialist
PCT Legal Office

JSF/RC:jf

(571) 272-3284

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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

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APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Richter et al.	:	DECISION ON PETITION
Application No. 12/513,821	:	TO WITHDRAW
Filed: May 6, 2009	:	FROM RECORD
Attorney Docket No. JCI-548	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2010.

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

A review of the file record indicates that on April 1, 2010 the power of attorney to Hahn Loeser & Parks, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LATHROP & CLARK LLP
740 REGENT STREET SUITE 400
P.O. BOX 1507
MADISON WI 53701-1507

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HAHN LOESER & PARKS, LLP
ONE GOJO PLAZA
SUITE 300
AKRON, OH 44311-1076

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APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Oldenburg et al.	:	DECISION ON PETITION
Application No. 12/514,012	:	TO WITHDRAW
Filed: May 7, 2009	:	FROM RECORD
Attorney Docket No. JCI-548	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 23, 2010.

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

A review of the file record indicates that on March 13, 2010 the power of attorney to Hahn Loeser & Parks, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LATHROP & CLARK LLP
740 REGENT STREET SUITE 400
P.O. BOX 1507
MADISON WI 53701-1507

6 JUL 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950

In re Application of	:	
MOELLER	:	
Application No.: 12/514,049	:	DECISION
PCT No.: PCT/US2007/011624	:	
Int. Filing Date: 15 May 2007	:	
Priority Date: 16 May 2006	:	
Attorney Docket No.: ATO-002	:	
For: MOBILE ROUTER THAT MONITORS LINKS	:	

This decision is in response to applicant's submission filed 07 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 15 May 2007, applicant filed international application PCT/US2007/011624 which designated the U.S. and claimed a priority date of 16 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 29 November 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 November 2008 (16 November 2008 being a Sunday).

On 07 May 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 07 May 2009.

As to item (2), applicant submitted the petition fee on 07 May 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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UNITED STATES PATENT AND TRADEMARK OFFICE

14 MAY 2009

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K&L Gates LLP
STATE STREET FINANCIAL CENTER
One Lincoln Street
BOSTON MA 02111-2950

In re Application of: MOELLER, Douglas, S. :
U.S. Application No: 12/514,054 :
PCT No: PCT/US2007/011631 : DECISION ON PETITION
International Filing Date: 15 May 2007 :
Priority Date: 16 May 2006 :
Atty Docket No.: ATO-003 :
For: MOBILE ROUTER WITH SERIAL DEVICE INTERFACE :

The petition for revival under 37 CFR 1.137(b) filed 07 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/011631 became abandoned with respect to the United States at midnight on 16 November 2008 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905). It is noted that applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

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

19 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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Morris Manning Martin LLP
3343 Peachtree Road, Ne
1600 Atlanta Financial Center
Atlanta, GA 30326

In re Application of :
SILVERSTONE et al. :
Application No.: 12/514,222 : DECISION ON PETITION
PCT No.: PCT/US2007/081386 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 October 2007 :
Priority Date: 13 October 2006 :
Attorney Docket No.: 18929-TBD :
For: CLIENT AUTHENTICATION AND :
DATA MANAGEMENT SYSTEM

The petition to revive under 37 CFR 1.137(b) filed 08 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

20 NOV 2009

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Alexandria, VA 22313-1450
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BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO IL 60604-3787

In re Application of:
SUAREZ DEL MORAL, Angel
U.S. Application No.: 12/514,264
PCT No.: PCT/ES2006/000615
International Filing Date: 08 November 2006
Priority Date: None
Attorney's Docket No.: 0397-0001
For: AEROGENERATOR

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request To Correct Inventorship" filed 19 June 2009, treated herein under 37 CFR 1.497(d). Deposit Account No. 50-2195 will be charged the required $130 processing fee.

BACKGROUND

On 08 November 2006, applicant filed international application PCT/ES2006/000615. The application did not claim an earlier priority date, and it designated the United States. On 15 May 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2009. The published international application identified one applicant/inventor for the U.S.: Angel SUAREZ DEL MORAL.

On 08 May 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 19 June 2009, applicant filed a declaration executed by the inventor of record and a second individual, Carlos DIEZ RUIZ, accompanied by payment of the surcharge required for filing the declaration later than thirty months after the priority date and the "Request To Correct Inventorship" considered herein under 37 CFR 1.497(d). The request under 37 CFR 1.497(d) seeks to add Carlos DIEZ RUIZ as an additional inventor of record herein so as to permit acceptance of the declaration filed 19 June 2009.

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicant has filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Carolos DIEZ RUIZ has been added as an additional inventor). Accordingly, applicant must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

Applicant's present submission includes the required statement of non-deceptive intent from the person to be added as an inventor, and applicant has authorized a charge to Deposit Account No. 50-2195 for required fees, pursuant to which the Deposit Account will be charged the required $130 processing fee. Requirements (A) and (B) are therefore satisfied. However, applicants have not submitted the written consent of the assignee to the requested change in inventorship or a statement confirming that no such assignee exists. Requirement (C) is therefore not satisfied.[1]

Based on the above, applicant has failed to submit all the requirements of a grantable request to correct inventorship under 37 CFR 1.497(d). Accordingly, the request to add Carlos DIEZ RUIZ as an additional inventor of record is appropriately dismissed.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Deposit Account No 50-2195 will be charged the required $130 processing fee.

The sole inventor of record herein remains that set forth in the international application, Angel SUAREZ DEL MORAL.

The declaration filed 19 June 2009, which includes additional inventor Carlos DIEZ RUIZ, is defective on the present record for failure to properly identify the inventors of record.

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

[1] It is noted that the consent of the assignee, if such assignee exists, must be submitted in compliance with 37 CFR 3.73(b).

reconsideration should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and must include the materials required to satisfy item (C) of a grantable request, as discussed above and in the MPEP, that is, the written consent of the assignee to the proposed change of inventorship (in the form required by 37 CFR 3.73(b)) or a statement confirming that no such assignee exists.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

03 FEB 2010

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BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO IL 60604-3787

In re Application of:	:	
SUAREZ DEL MORAL, Angel	:	DECISION ON RENEWED
U.S. Application No.: 12/514,264	:	REQUEST UNDER
PCT No.: PCT/ES2006/000615	:	37 CFR 1.497(d)
International Filing Date: 08 November 2006	:	
Priority Date: None	:	
Attorney's Docket No.: 0397-0001	:	
For: WIND-POWERED GENERATOR	:	

This decision is issued in response to the "Renewed Request Under 37 CFR 1.497(d)" filed on 20 January 2010. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 20 November 2009. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d) for failure to provide all requirements of a grantable request. Specifically, the decision indicated that applicants had not provided the required consent of the assignee to the requested change, or a statement confirming that no such assignee exists.

On 20 January 2010, applicants filed the "Renewed Request Under 37 CFR 1.497(d)" considered herein.

DISCUSSION

The renewed petition includes a statement confirming that no assignee exists in the present application. This statement, in combination with the previously filed materials, satisfies the requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Carlos DIEZ RUIZ as an additional inventor of record in the present application is therefore appropriately granted.

Based on the above correction, the declaration filed 19 June 2009 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Carlos DIEZ RUIZ as an additional inventor of record herein.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 June 2009.

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

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CHICAGO IL 60604-3787

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of :
Angel Suarez Del Moral et al. :
Application No. 12/514,264 : DECISION ON PETITION
Filed: June 19, 2009 : TO WITHDRAW
Attorney Docket No. 0397-0001 : 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 April 5, 2010 and supplemented on May 13, 2010.

The request is **DISMISSED AS MOOT**.

The correspondence received on May 13, 2010 states that the Request to Withdraw as attorney or agent of record filed April 5, 2010 was filed in error. Accordingly, the Request will be dismissed as unnecessary.

All future communications from the Office will continue to be directed to the above-listed address until and all attorneys/agents will remain of record 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

UNITED STATES PATENT AND TRADEMARK OFFICE

1 4 MAY 2009

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Jefferson IP Law, LLP
1730 M Street, NW
Suite 807
Washington DC 20036

In re Application of: SUL, Yung-Suk
U.S. Application No: 12/514,334
PCT No: PCT/KR2007/005505
International Filing Date: 02 November 2007
Priority Date: 03 November 2006
Atty Docket No.: 0107-0014
For: SYSTEM FOR ESTABLISHING TEAM AND CUSTOMIZING USING SPORTS MATCH RESULT ON WEB-SITE

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 11 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/KR2007/005505 became abandoned with respect to the United States at midnight on 03 May 2009 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

It is noted that applicant's 11 May 2009 submission included an executed declaration document in Korean which includes an apparent English translation. However, it is not apparent from the face of the declaration whether the form submitted is a form provided by the USPTO, and the declaration was not accompanied by a statement that the English translation contained on the declaration is accurate. The declaration therefore cannot be accepted on the present record (see 37 CFR 1.69(b)).

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.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,343		Toshihisa NAKANO	2009-0689A	9809

52349 7590 08/13/2009
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
08/13/2009	PAPER

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

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

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Wenderoth, Lind & Ponack L.L.P.
1030 15th Street, N.W. Suite 400 East
Washington, DC 20005-1503

In re Application of: Toshihisa NAKANO, et al.
Application No. 12/514,343
Filed: May 11, 2009
For: COPYRIGHT PROTECTION DATA PROCESSING SYSTEM AND REPRODUCTION DEVICE

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

MAILED

AUG 13 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

The petition is **GRANTED.**

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

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

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

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

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

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

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

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

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

/Hassan Kizou/
Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

30 JUN 2009

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	
LIFSON, Alexander, et al.	
Application No.: 12/514,380	DECISION
PCT No.: PCT/US2005/047704	
Int. Filing Date: 30 November 2005	ON PETITION UNDER
Priority Date: None	
Docket No.: PA-663; 60246-474	37 CFR 1.137(b)
For: SUCTION VALVE PULSE WIDTH MODULATION CONTROL BASED ON EVAPORATOR OR CONDENSER PRESSURE	

Applicant's Petition to Revive Under 37 CFR 1.137(b), filed in the above-captioned application on 11 May 2009 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 03-0835, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,429	05/11/2009	Makoto Kubota	10048331WOUS01	1576

34904 7590 06/04/2010

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER	
ECHELMEYER, ALIX ELIZABETH	

ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
06/04/2010	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):

sivon.kalminov@cda.canon.com
marlene.klein@cda.canon.com
IPDocketing@cda.canon.com

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BC

June 3, 2010

In re application of Makoto Kubota et al. Serial No. 12/514,429 Filed: May 11, 2009 For: POLYMER ELECTROLYTE MEMBRANE AND METHOD FOR PRODUCING POLYMER ELECTROLYTE MEMBRANE	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 27, 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 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

2 1 MAY 2009

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	:	
HONSBERG-RIEDL et al.	:	
Application No.: 12/514,449	:	DECISION
PCT No.: PCT/EP2006/068269	:	
Int. Filing Date: 09 November 2006	:	
Priority Date: None	:	
Attorney's Docket No.: 502902-496PUS	:	
For: CIRCUIT ARRANGEMENT FOR FIRING A DISCHARGE LAMP	:	

This is a decision on applicants' submission filed 12 May 2009 which has properly been treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been chargged to Deposit Account 03-2412. The petition is **GRANTED** as discussed below.

On 11 May 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter. The international application number keyed into EFS-Web was PCT/EP06/68302. However, the Transmittal Letter indicates the international application number as PCT/EP2006/068269.

On 12 May 2009, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/EP2006/068302, reveals that the present application should in fact be the national stage application of international application **PCT/EP2006/068269**.

The declaration of inventors filed 11 May 2009 is in compliance with 37 CFR 1.497(a)-(b).

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

/Daniel Stemmer/

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

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17 JUN 2009

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

In re Application of PERSCHON et al	:	
U.S. Application No.: 12/514,498	:	
PCT Application No.: PCT/EP2007/061186	:	
Int. Filing Date: 19 October 2007	:	DECISION
Priority Date Claimed: 19 October 2006	:	
Attorney Docket No.: 02316.2977USWO	:	
For: DISTRIBUTION CABINET HAVING A TWO-PIECE INNER BODY	:	

This is in response to applicant's petition under 37 CFR 1.137(b) filed 12 May 2009.

BACKGROUND

On 19 October 2007, applicant filed international application PCT/EP2007/061186, which claimed priority of an earlier Germany application filed 19 October 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 24 April 2008. The thirty-month period for paying the basic national fee in the United States expired on 19 April 2009.

On 20 April 2009, international application PCT/EP2007/061186 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 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), the petition states, "The abandonment and the entire delay, until the filing of this petition and the U.S. National Stage application was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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0 3 DEC 2009

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Conley Rose, P.C.
5601 Granite Parkway, Suite 750
Plano TX 75024

In re Application of :
RAO, et al. :
U.S. Application No.: 12/514,552 : DECISION ON PETITION
PCT No.: PCT/GB2007/004320 : UNDER 37 CFR 1.182
International Filing Date: 13 November 2007 :
Priority Date: 13 November 2006 :
Attorney's Docket No.: PAC/26708 US (4137-06600) :
For: PROCESS FOR THE SYNTHESIS OF :
MOXIFLOXACIN HYDROCHLORIDE :

This decision is issued in response to applicants' "Request for Correction of Inventors' Names" filed on 11 August 2009 which is being treated as a Petition under 37 CFR 1.182, as explained below. The request seeks to correct the name of record for the third and fourth inventors. The required $400 petition has been charged to Deposit Account no. 50-1515.

BACKGROUND

On 13 November 2007, applicants filed international application PCT/GB2007/004320 and claimed a priority date of 13 November 2006. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 13 May 2009.

On 12 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; and an application data sheet.

On 11 August 2009, applicants filed the present "Request for Correction of Inventors' Names" which included a declaration executed by: Dharmaraj Ramachandra Rao; Rajendra Narayanrao Kankan; Srinivas Laxminaran Pathi; Ravikumar Puppala; Manish Gangrade; and Shashirekha Kanathala.

On 03 December 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification

indicated that the declaration was defective because it "contained non-initialed and non-dated changes." The notification set a two-month time limit in which to respond.

DISCUSSION

In the published international application, the third and fourth inventors were identified as Pathi L. Srinivas and Puppala Revikumar. On the declaration filed 08 October 2009, the inventors were identified as Srinivas Laxminaran Pathi and Ravikumar Puppala. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

Counsel state that the error was due to a "typographical error." In that this is clearly more than a mere typographical error of applicants' given name on the published international application, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Applicants' present petition included payment of the required petition fee. However, the response does not include the required statement from the inventors confirming their correct name and indicating that the listing of Pathi L. Srinivas and Puppala Revikumar on the international application occurred without deceptive intent. Accordingly, on the present record, correction of the name of the third and fourth inventors' names is not appropriate at this time. The declaration filed 11 August 2009 therefore is defective for failure to properly identify the inventor of record herein.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 03 December 2009 (after filing of the Petition) is therefore appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 03 December 2009 is hereby **VACATED**.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include the statement required for a grantable petition under 37 CFR 1.182 regarding the change of the inventor's name. Failure to file a proper response in a timely manner will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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

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16 FEB 2010

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Conley Rose, P.C.
5601 Granite Parkway, Suite 750
Plano TX 75024

In re Application of :
RAO, et al. :
U.S. Application No.: 12/514,552 : DECISION ON PETITION
PCT No.: PCT/GB2007/004320 : UNDER 37 CFR 1.182
International Filing Date: 13 November 2007 :
Priority Date: 13 November 2006 :
Attorney's Docket No.: PAC/26708 US (4137-06600) :
For: PROCESS FOR THE SYNTHESIS OF :
MOXIFLOXACIN HYDROCHLORIDE :

This decision is issued in response to applicants' (Renewed) "Petition for Correction of Applicants' Name in A Patent Application under 37 CFR 1.182" filed 29 January 2010. Applicants are notifying the Office that the names of the third and fourth inventors are Srinivas Laxminaran Pathi and Ravikumar Puppala as indicated on the declaration rather than the names indicated on the published international application.

The procedural background for this application was set forth in detail in the decision mailed by this Office on 03 December 2009.

DISCUSSION

In the published international application, the third and fourth inventors were identified as Pathi L. Srinivas and Puppala Revikumar. On the declaration filed 11 August 2009, the inventors were identified as Srinivas Laxminaran Pathi and Ravikumar Puppala. Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in

> the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In this case, discrepancy in the third and fourth inventors' name is more than a mere typographical error or a phonetic misspelling of the applicants' name; accordingly, the present petition under 37 CFR 1.182 is required in order to correct the inventors' name as requested.

Here, applicants' previous submission included $400, satisfying the petition fee requirement. Additionally, applicants have submitted the required statement from the inventors confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full names for the third and fourth inventors herein are Srinivas Laxminaran Pathi and Ravikumar Puppala, as set forth on the declaration filed 11 August 2009.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is GRANTED.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 29 January 2010.

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

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

MAILED

MAR 18 2010

OFFICE OF PETITIONS

In re Application of :
Koji Ito et al. :
Application No. 12/514,556 : DECISION ON PETITION
Filed: May 12, 2009 :
Attorney Docket No. 1034290-000029 :

This is a decision on the petition under 37 CFR 1.59(b), filed October 8, 2009, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that pages 16-20 of the Substitute Specification filed May 12, 2009 be expunged from the record.

However, 37 CFR 1.59(a)(2) states:

> Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

MPEP 608.04(b) states in part:

> A preliminary amendment present on the filing date of the application (e.g., filed along with the filing of the application) is considered a part of the original disclosure.

Accordingly, specific pages of the substitute specification will not be expunged from the record pursuant to 37 CFR 1.59(b) even though they were mistakenly filed. Moreover, petitioner has not established that an extraordinary situation exits in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

29 JUL 2009

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COMMISSIONER FOR PATENTS
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Bennet Jones LLP
C/O Ms Roseann Caldwell
4500 Bankers Hall East 855 -2nd Street, SW
Calgary AB T2P 4K7 CA Canada

In re Application of O'Bireck et al :
U.S. Application No.: 12/514,571 :
PCT Application No.: PCT/CA2007/000127 :
Int. Filing Date: 30 January 2007 : DECISION
Priority Date Claimed: 30 January 2006 :
Attorney Docket No.: 45401-142 :
For: HYDROGEN GENERATING SYSTEM :
FOR OPERATION WITH ENGINE :
TURBO CONDITION :

This is in response to applicant's petition under 37 CFR 1.137(b) filed 12 May 2009.

BACKGROUND

On 30 January 2007, applicant filed international application PCT/CA2007/000127, which claimed priority of an earlier Canadian application filed 30 January 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 02 August 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 July 2008.

On 31 July 2008, international application PCT/CA2007/000127 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 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.

The application has an international filing date under 35 U.S.C. 363 of 30 January 2007 and a date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) of 12 May 2009.

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

Bryan Lin

Peng Ke
PCT Legal Administration Detailee
Office of PCT Legal Administration
Telephone: 571-272-6094
Facsimile: 571-272-0459

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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12 FEB 2010

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of	:	
SAGEL et al.	:	
Application No.: 12/514,613	:	
PCT No.: PCT/IB07/54597	:	DECISION ON
Int. Filing Date: 12 November 2007	:	
Priority Date: 13 November 2006	:	under 37 CFR 1.497(d)
Atty Docket No.: 10640Q	:	
For: PRODUCTS AND METHODS FOR DISCLOSING CONDITIONS IN THE ORAL CAVITY	:	

This is a decision on applicant's' "Petition and Fee to Correct Inventorship under 37 CFR 1.48(a)", filed on 06 October 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 13 May 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and an executed declaration.

On 06 October 2009, applicant filed a "Petition and Fee to Correct Inventorship under 37 CFR 1.48(b)".

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Applicant requests the addition of inventor Steffi Raehse.

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

With respect to Item (1), Petitioner has provided a statement from inventor Steffi Raehse that any error in inventorship occurred without deceptive intention on their part. Applicant satisfied Item (2) above with the submission of the $130 petition fee.

With regard to Item (3), the Written Consent of the assignee consenting to the addition of Steffi Raehse as inventor in this application to correct the inventorship under 37 CFR 1.497(d)(3) was provided. Item (3) above is satisfied.

Accordingly, applicant has met all of the requirements to add inventor Raehse in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.1497(d) to add Inventor Steffi Raehse in the above-captioned application is **GRANTED.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 13 May 2009.

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

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/514,616	05/13/2009	Sven Erik Brouwer	820232-1010	2603

7590 03/25/2010

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA, GA 30339-5994

EXAMINER	
ART UNIT	PAPER NUMBER
3782	
MAIL DATE	DELIVERY MODE
03/25/2010	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.

Tomi Tarmey

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.
12/514,658		Kazuki OKAMOTO	2009_0600A	2856

513 7590 07/07/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
07/07/2009	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

JUL 07 2009

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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	:	
Kazuki Okamoto et al.	:	DECISION ON REQUEST TO
Application No. 12/514,658	:	PARTICIPATE IN PATENT
Filed: May 13, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2009_0600A	:	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 13, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

CST

October 1, 2009

In re application of	:	DECISION ON REQUEST TO
Shuji Ogura	:	PARTICIPATE IN PATENT
Serial No. 12/514,824	:	PROSECUTION HIGHWAY
Filed: May 14, 2009	:	PROGRAM AND
For: CERIUM OXIDE AND METHOD	:	PETITION TO MAKE SPECIAL
FOR PRODUCING THE SAME	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed July 21, 2009.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:

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

(3) Applicant must:

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

26 MAY 2009

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BAYER CROPSCIENCE LP
PATENT DEPARTMENT
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

In re Application of:	:	
MARGOT, Paul, et al.	:	DECISION
Application No.: 12/514,891	:	
Filing Date: May 14, 2009	:	
Atty Docket No.: Mo6174D5/LeA 35,127D5	:	
For: PLANT PROTECTION AGENTS	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" filed May 20, 2009. No petition fee is required.

BACKGROUND

On May 14, 2009, applicants filed the present application using the EFS-Web electronic filing system. The submission included a Utility Patent Application Transmittal (Form PTO/SB/05), an application data sheet (ADS), a fee payment, description, claims, abstract, declaration and an Information Disclosure Sheet (IDS).

As indicated on the Electronic Acknowledgement Receipt, applicants identified the application during the electronic filing process as a "U.S. National Stage under 35 USC 371" of international application PCT/EP97/06935. However, the Form PTO/SB/05 filed by applicant specifically states that it is for use "[o]nly for new nonprovisional application under 37 CFR 1.53(b)." In addition, the Form PTO/SB/05 states that the application is a divisional of U.S. application 09/319,550.

On May 20, 2009, applicants filed the "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" considered herein. The petition states that the identification of the application as a filing under 35 U.S.C. 371 was an unintentional mistake, and it requests that the application be treated as a filing under 35 U.S.C. 111, rather than as a filing under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

As noted above, although applicants identified the present application during the electronic filing process as a U.S. national stage application filed under 35 U.S.C. 371, the application materials filed by applicants included a Form PTO/SB/05 Transmittal letter that specifically states that it is for use "[o]nly for new nonprovisional application under 37 CFR 1.53(b)." In addition, the Form PTO/SB/05 specifically stated that the application was a divisional of U.S. application 09/319,550. The use of the Form PTO/SB/05 Transmittal letter and the identification of the application as a divisional application are inconsistent with the intent to enter the National State under 35 U.S.C. 371. Accordingly, pursuant to applicable USPTO policy, the original papers filed on May 14, 2009 will be treated as a filing under 35 U.S.C. 111(a), not a national stage filing under 35 U.S.C. 371. Applicants' petition to convert the application from a filing under 35 U.S.C. 371 to a filing under 35 U.S.C. 111 is therefore moot.

It is noted that the present application as filed does not include a proper continuity reference with respect to any prior filed application. The indication on the PTO/SB/05 that the application is a divisional of application 09/319,550 is not in the appropriate form (see 37 CFR 1.78(a)(2)(iii), which requires such a reference to be located either in the first sentence of the specification or in an ADS). Moreover, U.S. application 09/319,550 issued as a patent years before the present application was filed and therefore was never co-pending with the present application, as required for an effective continuity claim under 35 U.S.C. 120 (see 37 CFR 1.78(a)(1)).

Should applicants desire to add to the present application a benefit claim to a prior-filed U.S. non-provisional application, applicants must submit an amendment to the first sentence of the specification or a supplemental ADS containing an appropriate reference to the prior-filed application. These materials must be filed prior to the expiration of "the later of four months from the actual filing date of the [present] application or sixteen months from the filing date of the prior-filed application" (37 CFR 1.78(a)(2)(ii)).

CONCLUSION

Based on the conflicting instructions contained in the application materials filed on May 14, 2009, the present application is properly treated as a U.S. utility application filed under 35 U.S.C. 111(a) on May 14, 2009, rather than as a filing under 35 U.S.C. 371.

USPTO records will be updated to identify the present application as a filing under 35 U.S.C. 111(a).

Based on the above, applicants' present "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" is **DISMISSED AS MOOT**.

The application is being referred to the Office of Patent Examination Processing (OPAP) for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

18 MAY 2009

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BENNETT JONES LLP
C/O MS ROSEANN CALDWELL
4500 BANKERS HALL EAST
855 - 2ND STREET, SW
CALGARY AB T2P 4K7 CA CANADA

In re Application of	:	
LINDSAY	:	
Application No.: 12/514,947	:	
PCT No.: PCT/CA07/00125	:	DECISION ON PETITION
Int. Filing Date: 29 January 2007	:	
Priority Date: 27 January 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 45401-145	:	
For: HYDROGEN GENERATING APPARATUS WITH HYDROGEN CONCENTRATION SENSORS	:	

The petition to revive under 37 CFR 1.137(b) filed 14 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

The application has an international filing date of 29 January 2007 under 35 U.S.C. 363 and will be given a date of **14 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294
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UNITED STATES PATENT AND TRADEMARK OFFICE

21 MAY 2009

Commissioner for Patents
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Alexandria, VA 22313-1450
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Bennett Jones LLP
c/o Ms.Roseann Caldwell
4500 Bankers Hall East
855 - 2nd Street, SW
Calgary AB T2P 4K7 CANADA

In re Application of :
LINDSAY, Andrew Harland. :
Application No.: 12/514,962 : DECISION ON PETITION
PCT No.: PCT/CA07/00126 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 January 2007 :
Priority Date: 30 January 2006 :
Attorney Docket No.: 45401-147 :
For: GAS/LIQUID SEPARATOR FOR HYDROGEN GENERATING APPARATUS

The petition to revive under 37 CFR 1.137(b) filed 14 May 2009 in the above-captioned application is hereby GRANTED as follows:

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

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 is granted as to the national stage in the United States of America.

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

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

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24 NOV 2009

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of:
BECKER, Reinhard
U.S. Application No.: 12/515,034
PCT No.: PCT/EP2006/003010
International Filing Date: 3 April 2006
Priority Date: 31 March 2006
Atty Docket No.: FAO0287US
For: APPARATUS AND METHOD FOR CAPTURING AN AREA IN 3D

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 15 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2006/003010 became abandoned with respect to the U.S. at midnight on 30 September 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 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 international application for purposes of the U.S. is therefore appropriate.

It is noted that applicant's 15 May 2009 submission included an executed declaration in compliance with 37 CFR 1.497(d) and an English translation of the international application.

Deposit Account No. 16-1130 will be charged the $130 small entity surcharge for filing the declaration later than thirty months after the priority date and the $130 processing fee for filing the English translation 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 15 May 2009.

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

22 MAY 2009

Commissioner for Patents
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Clifford B. Perry
132 N. El Camino Real
No. 347
Encinitas, CA 92024-2801

In re Application of	:	
NESSLER et al.	:	COMMUNICATION &
Application No.: 12/515,042	:	DECISION ON PETITION
PCT No.: PCT/AT2006/000057	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 February 2006	:	
Priority Date: 23 February 2005	:	
Attorney Docket No.: DHS-004 PCT	:	
For: PLANAR ELECTRODE		

This communication is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 15 May 2009.

The petition under 37 CFR 1.137(b) was signed only by Norbert Nessler, one of two applicants of record herein (the second applicant of record, as set forth on the published international application, is Stephen Erbse).

37 CFR 1.33(b) states that all papers filed in a patent application must be signed by:

> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
>
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
>
> (3) An assignee as provided for under § 3.71(b) of this chapter; or
>
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Because the present petition is not executed by the second applicant, his properly registered agent or attorney, or an assignee that has properly established ownership of the application, the petition is considered an unsigned communication pursuant to 37 CFR 1.33(b). As such, the petition cannot be considered on its merits.

The petition has been placed in the application file, but no further action will be taken thereon.

The present application remains ABANDONED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

26 JUN 2009

Commissioner for Patents
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Clifford B. Perry
132 N. El Camino Real
No. 347
Encinitas, CA 92024-2801

In re Application of :
NESSLER et al. :
Application No.: 12/515,042 : DECISION ON PETITION
PCT No.: PCT/AT2006/000057 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 February 2006 :
Priority Date: 23 February 2005 :
Attorney Docket No.: DHS-004 PCT :
For: PLANAR ELECTRODE

The petition to revive under 37 CFR 1.137(b) filed 04 June 2009 in the above-captioned application is hereby GRANTED as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 JAN 2010

Commissioner for Patents
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MICHAUD-Kinney Group LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN CT 06457

In re Application of SJODIN	:	DECISION ON
Application No.: 12/515,063	:	
PCT No.: PCT/SE07/01011	:	PETITION UNDER
Int. Filing:14 November 2007	:	
Priority Date: 17 November 2006	:	37 CFR 1.137(b)
Attorney Docket No:7639-0021WOUS	:	
For: MOBILE COMMUNICATION NETWORK SYSTEM AND SERVER APPARATUS	:	

The petition to revive under 37 CFR 1.137(b) filed 17 November 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 ter requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee and the declaration, executed by the inventor and in compliance with 37 CFR 1.497(a) and (b), have 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 17 November 2009.

/Cynthia M. Kratz/
Cynthia M. Kratz
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APR 19 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
TOMA, TADAMASA, et al.
Application No. 12/515,124
Filed: May 15, 2009
Attorney Docket No. **2009_0740A**

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 17, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (d) a national application which forms the basis for the priority claim in the corresponding PCT application.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s).
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and

(8) The 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 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

22 FEB 2010

Commissioner for Patents
United States Patent and Trademark Office
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MARK D. SARALINO (SHARP)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of:	:	
MONTGOMERY, David, James, et al.	:	
U.S. Application No.: 12/515,134	:	DECISION ON PETITION UNDER
PCT No.: PCT/JP2007/072055	:	37 CFR 1.47(a)
International Filing Date: 07 November 2007	:	
Priority Date: 20 November 2006	:	
Attorney Docket No.: HARAP0247US	:	
For: BACKLIGHT AND DISPLAY	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 30 November 2009. Applicants have paid the required petition fee.

BACKGROUND

On 07 November 2007, applicants filed international application PCT/JP2007/072055. The international application claimed a priority date of 20 November 2006, and it designated the United States. On 29 May 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 May 2009.

On 15 May 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 13 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 30 November 2009, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a declaration executed by one of the two inventors of record, and the "Petition Under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing inventor Florian Gilles Pierre ROCARD, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes, as required, an unsigned signature block for the non-signing inventor, Florian Gilles Pierre ROCARD. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Accordingly, item (3) of a grantable petition is satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement from Eline Van De Wiele, with supporting documents, providing an acceptable showing that a request for signature, accompanied by a copy of the complete application, was forwarded to the last known address of the non-signing inventor (an address that was provided to applicants by the inventor himself) and that the non-signing inventor has failed to provide the requested signature in response to applicants' request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (4) is therefore satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Florian Gilles Pierre ROCARD.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 November 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

22 FEB 2010

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Mr. Florian Gilles Pierre ROCARD
Apartment 341
2-4 Boulevard de l'evasion
95800 Cergy le haut
FRANCE

In re Application of: MONTGOMERY, David, James, et al.
U.S. Application No.: 12/515,134
PCT No.: PCT/JP2007/072055
International Filing Date: 07 November 2007
Priority Date: 20 November 2006
Attorney Docket No.: HARAP0247US
For: BACKLIGHT AND DISPLAY

Dear Mr. ROCARD:

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

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

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

Counsel Of Record:
MARK D. SARALINO (SHARP)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

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.
12/515,248		Hirotaka UOI	091619-0282	7172

23524 7590 11/12/2009

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
11/12/2009	PAPER

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

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

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MADISON WI 53701-1497

In re Application of: Hirotaka Uoi
Application No. 12515248
Filed:
For: COMPOSITION ASSISTING APPARATUS AND COMPOSITION ASSISTING SYSTEM

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

MAILED

NOV 12 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 21, 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

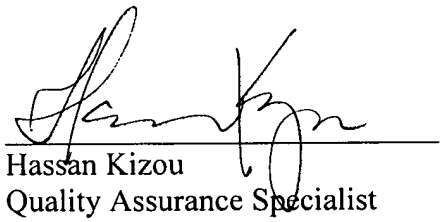
(7) The required petition fee under 37 CFR 1.17(h).

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



Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

19 MAY 2009

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Alexandria, VA 22313-1450
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INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
SUITE 1205
SAN JOSE CA 95113

In re Application of	:	
CHAN, et al.	:	
U.S. Application No.: 12/515,277	:	DECISION ON PETITION
PCT No.: PCT/CN06/03333	:	
Int. Filing Date: 08 December 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 16 November 2006	:	
Attorney Docket No.: BK.CHANDAN.PT1	:	
For: ALKALESCENT CHEMICAL SILVER PLATING SOLUTION	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 15 May 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Jing Li Fang. Applicant has provided payment of the petition fee of $200.00.

BACKGROUND

On 08 December 2006, applicant filed international application PCT/CN06/03333 which claimed priority to an earlier application filed 16 November 2006. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2009.

On 15 May 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee; an English translation of the international application as filed; an Information Disclosure Statement; an Application Data Sheet and the present petition under 37 CFR 1.47.

DISCUSSION

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

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided sufficient evidence to support the contention that the inventor cannot be located despite a diligent effort. Counsel declares that attempts were made to contact the inventor through the mail and all parcels were returned as undeliverable. However, it does not appear that any action was taken once this packages were returned to locate the inventor. Applicant has not provided any search results to show that after the initial mailings to the inventor was returned a search was conducted to ascertain inventor Chan's current address. In addition, it does not appear that counsel has any firsthand knowledge of the attempts to contact the inventor.

For the above reasons it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

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

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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INTELLECTUAL PROPERTY LAW GROUP LLP
12 SOUTH FIRST STREET
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SAN JOSE CA 95113

In re Application of	:	
CHAN, et al.	:	
U.S. Application No.: 12/515,277	:	DECISION ON PETITION
PCT No.: PCT/CN06/03333	:	
Int. Filing Date: 08 December 2006	:	UNDER 37 CFR 1.47(a)
Priority Date: 16 November 2006	:	
Attorney Docket No.: BK.CHANDAN.PT1	:	
For: ALKALESCENT CHEMICAL SILVER PLATING SOLUTION	:	

This decision is in response to the applicant's renewed petition under 37 CFR §1.47 (a) filed 19 August 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor Jing Li Fang.

BACKGROUND

On 19 May 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 19 August 2009, applicant responded with the present petition accompanied by a petition for a one-month extension of time and payment of the extension of time fee. The petition is therefore considered timely filed.

DISCUSSION

As detailed in the decision mailed 19 May 2009, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1), (3) and (4) above.

Regarding item (2), with the filing of the present renewed petition and accompanying exhibits applicant has satisfied this item. Specifically, applicant has provided a firsthand account of attempts to find the inventor supported by documentary evidence including contacts with the Inland Revenue Department of Hong Kong and returned mail receipts.

For this reason it is proper to grant applicant's renewed petition at this time.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 08 December 2006 under 35 U.S.C. 363, and will be given a date of **15 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

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Commissioner for Patents
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Mr. Jing Li Fang
Room 302, Bibo Building
No. 71 North Gui Yuan Road
Luohu District
Shenzhen, China

In re Application of
CHAN, et al.
U.S. Application No.: 12/515,277
PCT No.: PCT/CN06/03333
Int. Filing Date: 08 December 2006
Priority Date: 16 November 2006
Attorney Docket No.: BK.CHANDAN.PT1
For: ALKALESCENT CHEMICAL SILVER PLATING SOLUTION

Dear Mr. Fang:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
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UNITED STATES OF AMERICA

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26 MAY 2009

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BAYER CROPSCIENCE LP
PATENT DEPARTMENT
2 T .W. ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27709

In re Application of:
DUTZMANN, Stefan, et al.
Application No.: 12/515,339
Filing Date: May 18, 2009
Atty Docket No.: Mo4998D5/LeA 30,224D5
For: COMPOSITIONS FOR THE CONTROL OF PLANT PESTS

DECISION

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" filed May 20, 2009. No petition fee is required.

BACKGROUND

On May 18, 2009, applicants filed the present application using the EFS-Web electronic filing system. The submission included a Utility Patent Application Transmittal (Form PTO/SB/05), an application data sheet (ADS), a fee payment, description, claims, declaration and an Information Disclosure Sheet (IDS).

As indicated on the Electronic Acknowledgement Receipt, applicants identified the application during the electronic filing process as a "U.S. National Stage under 35 USC 371" of international application PCT/EP95/02799. However, the Form PTO/SB/05 filed by applicant specifically states that it is for use "[o]nly for new nonprovisional application under 37 CFR 1.53(b)." In addition, the Form PTO/SB/05 states that the application is a divisional of U.S. application 08/765,819.

On May 20, 2009, applicants filed the "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" considered herein. The petition states that the identification of the application as a filing under 35 U.S.C. 371 was an unintentional mistake, and it requests that the application be treated as a filing under 35 U.S.C. 111, rather than as a filing under 35 U.S.C. 371.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states the following:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

As noted above, although applicants identified the present application during the electronic filing process as a U.S. national stage application filed under 35 U.S.C. 371, the application materials filed by applicants included a Form PTO/SB/05 Transmittal letter that specifically states that it is for use "[o]nly for new nonprovisional application under 37 CFR 1.53(b)." In addition, the Form PTO/SB/05 specifically stated that the application was a divisional of U.S. application 08/765,819. The use of the Form PTO/SB/05 Transmittal letter and the identification of the application as a divisional application are inconsistent with the intent to enter the National State under 35 U.S.C. 371. Accordingly, pursuant to applicable USPTO policy, the original papers filed on May 18, 2009 will be treated as a filing under 35 U.S.C. 111(a), not a national stage filing under 35 U.S.C. 371. Applicants' petition to convert the application from a filing under 35 U.S.C. 371 to a filing under 35 U.S.C. 111 is therefore moot.

It is noted that the present application as filed does not include a proper continuity reference with respect to any prior filed application. The indication on the PTO/SB/05 that the application is a divisional of application 08/765,819 is not in the appropriate form (see 37 CFR 1.78(a)(2)(iii), which requires such a reference to be located either in the first sentence of the specification or in an ADS). Moreover, U.S. application 08/765,819 issued as a patent years before the present application was filed and therefore was never co-pending with the present application, as required for an effective continuity claim under 35 U.S.C. 120 (see 37 CFR 1.78(a)(1)).

Should applicants desire to add to the present application a benefit claim to a prior-filed U.S. non-provisional application, applicants must submit an amendment to the first sentence of the specification or a supplemental ADS containing an appropriate reference to the prior-filed application. These materials must be filed prior to the expiration of "the later of four months from the actual filing date of the [present] application or sixteen months from the filing date of the prior-filed application" (37 CFR 1.78(a)(2)(ii)).

CONCLUSION

Based on the conflicting instructions contained in the application materials filed on May 18, 2009, the present application is properly treated as a U.S. utility application filed under 35 U.S.C. 111(a) on May 18, 2009, rather than as a filing under 35 U.S.C. 371.

USPTO records will be updated to identify the present application as a filing under 35 U.S.C. 111(a).

Based on the above, applicants' present "Petition Under 37 CFR 1.182 To Convert Divisional Patent Application Status From A §371 to a §111 Status" is **DISMISSED AS MOOT**.

The application is being referred to the Office of Patent Examination Processing (OPAP) for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

13 JUL 2010

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Henry BISSELL
LAW FIRM OF HENRY BISSELLL
PO Box 83322
6321 Riggs Place
Los Angeles, CA 90083-0322

In re Application of	:	
MAZZOLINI, James, et al.	:	DECISION ON REQUEST
U.S. Application No.: 12/515,364	:	FOR WITHDRAWAL AS
PCT No.: PCT/US2007/024223	:	ATTORNEY OF RECORD
Int. Filing Date: 19 November 2007	:	
Priority Date: 18 November 2006	:	
For: ELECTRONIC DEVICE FASTENER	:	

This decision is in response to the "Notice Of Withdrawal Of Attorney" filed 30 April 2010.

The applicants in the above-captioned application have expressly appointed different attorneys as their representatives in the present national stage application.

In view of the above, above-named counsel is not the attorney's of record in the present application. Accordingly, the present request for withdrawal as attorney or agent of record is appropriately **DISMISSED AS MOOT.**

It is noted that above–named counsel was the agent of record in the international application. Any request by the agent to renounce his appointment as agent in the international application should be filed directly in the international application pursuant to PCT Rule 90.6(d).

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

21 JUL 2009

COMMISSIONER FOR PATENTS
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525 OKEECHOBEE BLVD
SUITE 1500
WEST PALM BEACH, FL 33401

In re Application of KÜNNECKE et al :
U.S. Application No.: 12/515,378 :
PCT Application No.: PCT/EP2007/062449 :
Int. Filing Date: 16 November 2007 : DECISION
Priority Date Claimed: 17 November 2006 :
Attorney Docket No.: 3968-175 :
For: SAMPLE TAKING DEVICE, AND SAMPLE TAKING METHODS :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 May 2009.

BACKGROUND

On 16 November 2007, applicant filed international application PCT/EP2007/062449, which claimed priority of an earlier European Patent Office application filed 17 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 18 May 2009 (17 May 2009 was a Sunday).

On 18 May 2009, applicant filed purported 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 19 May 2009, international application PCT/EP2007/062449 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 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 translation of the international application, specifically the original claims, into English must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

10 NOV 2009

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
BEERWERTH et al	:	
Application No.: 12/515,389	:	
PCT No.: PCT/EP2007/009828	:	
Int. Filing Date: 14 November 2007	:	DECISION
Priority Date: 18 November 2006	:	
Attorney Docket No.: 02894-0838US1	:	
For: SKIN TREATMENT DEVICE AND	:	
ATTACHMENT AND HANDLE PORTION OF A	:	
SKIN TREATMENT DEIVCE	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 24 August 2009.

BACKGROUND

On 14 November 2007, applicants filed international application PCT/EP2007/009828 which designated the United States and claimed a priority date of 18 November 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 May 2009.

On 18 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 August 2009, applicants submitted a declaration of inventors and the instant petition under 37 CFR 1.182. The petition was accompanied by a certified copy of a Name Change Certificate from a German court and an English translation thereof.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the

appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

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

With regard to item (2), a certified copy of the court order has been provided.

Declaration of Inventors

The declaration of inventors filed 24 August 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

/Daniel Stemmer/

Daniel Stemmer
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Legal Administration
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December 7, 2009 CST

In re application of	:	DECISION ON REQUEST TO
Masaharu Miyahisa et al	:	PARTICIPATE IN PATENT
Serial No. 12/515,482	:	PROSECUTION HIGHWAY
Filed: May 19, 2009	:	PROGRAM AND
For: ELECTRODE PLATE FOR BATTERY, ELECTRODE GROUP FOR BATTERY, LITHIUM SECONDARY BATTERY	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 2, 2009.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

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

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

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

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

Claims 5 and 6 of the JPO application each describe the depth and pitch in terms of μm, however corresponding claims 6 and 7 of the present application describe the depth and pitch in terms of meters, "m". Also, claim 10, section (d) of the JPO application specifies that the battery is non-aqueous, however corresponding claim 11, section (d) of the present application does not specify that the battery is non-aqueous.

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

January 14, 2010

In re application of	:	DECISION ON REQUEST TO
Masaharu Miyahisa et al	:	PARTICIPATE IN PATENT
Serial No. 12/515,482	:	PROSECUTION HIGHWAY
Filed: May 19, 2009	:	PROGRAM AND
For: ELECTRODE PLATE FOR BATTERY,	:	PETITION TO MAKE SPECIAL
ELECTRODE GROUP FOR BATTERY,	:	UNDER 37 CFR 1.102(d)
LITHIUM SECONDARY BATTERY	:	

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed December 11, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

14 JUL 2009

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CANTOR COLBURN, LLP
20 Church Street
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Hartford CT 06103

In re Application of	:	
GITTINGER et al.	:	
Application No.: 12/515,489	:	DECISION ON
PCT No.: PCT/EP2007/005789	:	
Int. Filing Date: 29 June 2007	:	PETITION UNDER
Priority Date: 03 July 2006	:	
Attorney Docket No.: FAO0218US	:	37 CFR 1.137(b)
For: A METHOD AND AN APPARATUS FOR CAPTURING THREE-DIMENSIONAL DATA OF AN AREA OF SPACE	:	

This decision is in response to applicants' submission filed 19 May 2009.

BACKGROUND

On 29 June 2007, applicants filed international application PCT/EP2007/005789 which designated the U.S. and claimed a priority date of 03 July 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 January 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 January 2009 (03 January 2009 being a Saturday).

On 19 May 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

(1) The required reply;
(2) The petition fee;

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

As to item (1), applicant submitted the basic national fee on 19 May 2009.

As to item (2), applicant submitted the petition fee on 19 May 2009.

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

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

The declaration of inventors filed 19 May 2009 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
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Legal Administration
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PTO/SB/130 (04-09)
Approved for use through 05/31/2009. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12515524	Confirmation Number	1531	Filing Date	2009-05-19
Attorney Docket Number (optional)	1063.004	Art Unit		Examiner	
First Named Inventor	SHTURMAN, Leonid				
Title of Invention	Rotational Atherectomy Device With Fluid Inflatable Support Elements And Distal Protection Capability				

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
Leonid		Shturman	

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	/Kenneth S. Weitzman/	Date (YYYY-MM-DD)	2009-05-19
Name	Kenneth S. Weitzman	Registration Number	36306

PTO/SB/130 (04-09)
Approved for use through 05/31/2009. 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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In re Application of
Leonid SHTURMAN

Application No. 12515524

Filed:

Attorney Docket No. 1063.004

:
:
: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 19-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.

20 JUL 2009

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Mossman, Kumar & Tyler
11200 Westheimer Rd.
Suite 900
Houston TX 77042

In re Application of
Baldaro et al.
Application No. 12/515,526
PCT No.: PCT/EP2007/053709
Int. Filing Date: 17 April 2007
Priority Date: 17 November 2006
Att. Docket No.: LSP-1032-US
For: Procedure For The Preparation Of Glycoxalated Cationic Guar

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 19 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The electronic application file includes a declaration filed pursuant to PCT Rule 4.17(iv) during the international phase. However, the inventors' "S-signatures" do not comply with 37 CFR 1.4(d)(2)(iii) because the names of the individuals signing are not presented adjacent to or under the putative signatures. The names of the inventors are provided, but the identities of the signatories are not provided with the respective s-signatures.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b). The surcharge under 37 CFR 1.492(h) has been paid.

/George Dombroske/
George Dombroske
PCT Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

14 JUL 2009

COMMISSIONER FOR PATENTS
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MOSSMAN, KUMAR & TYLER
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HOUSTON, TX 77042

In re Application of BALDARO et al :
U.S. Application No.: 12/515,528 :
PCT Application No.: PCT/EP2007/053710 :
Int. Filing Date: 17 April 2007 : DECISION
Priority Date Claimed: 17 November 2006 :
Attorney Docket No.: LSP-1033-US :
For: PROCEDURE FOR THE PREPARATION :
OF PURIFIED CATIONIC GUAR :

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 19 May 2009.

BACKGROUND

On 17 April 2007, applicant filed international application PCT/EP2007/053710, which claimed priority of an earlier Italy application filed 17 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 22 May 2008. The thirty-month period for paying the basic national fee in the United States expired on 17 May 2009.

On 18 May 2009, international application PCT/EP2007/053710 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 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.

The application has an International Filing Date under 35 U.S.C. 363 of 17 April 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 May 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

28 DEC 2009

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BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER NH 03104

In re Application of	DECISION ON
Hoeft et al	
Application No.: 12/515,601	
PCT No.: PCT/EP2007/007083	
Int. Filing Date: 10 August 2007	PETITION UNDER
Priority Date: 20 August 2006	
Attorney's Docket No.: THIELK-071XX	
For: FLAT ROOF ATTACHMENT WITH SOLAR MODULES	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. 1.137(b)," filed on 20 May 2009.

BACKGROUND

On 10 August 2007, this international application was filed, claiming an earliest priority date of 20 August 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 20 February 2009. This international application became abandoned with respect to the United States at midnight on 20 February 2009 for failure to pay the required basic national fee.

On 20 May 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. The petition fee has been charged to petitioner Deposit Account No.: 02-3285. 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) charged to petitioner's Deposit Account 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

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.
12/515,680	05/20/2009	Tadahiko Hirai	03500.145341.	1704

5514 7590 07/22/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
07/22/2010	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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
HIRAI, TADAHIKO, et al.	:	DECISION ON REQUEST TO
Application No. 12/515,680	:	PARTICIPATE IN PATENT
Filed: May 20, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **03500.145341.**	:	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 11, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The 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 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

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
Sigram Schindler

Application No. 12515731

Filed: May 20,2009

Attorney Docket No. 8096.076.PCUS

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 27-MAY-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 JUL 2009

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LAWRENCE C. EDELMAN, ESQ
IP COUNSEL, AUTOMATIC IMPULSE MACHINE DESIGN
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

In re Application of CHIRNOMAS	:	
U.S. Application No.: 12/515,738	:	
PCT Application No.: PCT/US2007/076053	:	
Int. Filing Date: 15 August 2007	:	DECISION
Priority Date Claimed: 15 August 2006	:	
Attorney Docket No.: 07pa04p/us	:	
For: VENDING MACHINE WITH VIDEO DISPLAY	:	

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 20 May 2009.

BACKGROUND

On 15 August 2007, applicant filed international application PCT/US2007/076053, which claimed priority of an earlier United States application filed 15 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 16 February 2009 (15 February 2009 was a holiday).

On 17 February 2009, international application PCT/US2007/076053 became abandoned as to the United States for failure to timely pay the basic national fee.

On 20 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 not 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 DISMISSED without prejudice

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

VIA EFS-Web

INTERNATIONAL APPLICATION UNDER THE PCT

****

REPLY TO PETITION DECISION OF JULY 21, 2009

****

Int'l Appl. No.: **PCT/US2007/076053**
Int'l Fil. Date: 15 Aug. 2007
Title: Vending Machine with Video Display
US Application No: 12/515,738

Date: July 23, 2009
Docket No.:7aa04p/us
Applicant: Chirnomas, Munroe

Mail Stop: PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Dismissal of the prior filed petition, due to a mistake during electronic filing of the Petition To Revive on May 20th which caused non-payment of the Petition Fee ($810)

Please find enclosed herewith a copy of the prior filed Petition. The Petition Fee will be paid now using the EFS web site during the electronic filing this communication.

Reconsideration of the Petition is hereby requested.

Respectfully submitted,

By */Lawrence C. Edelman /*
Lawrence C. Edelman, Agent for Applicant
3 Buffalo Run
East Brunswick, NJ 08816
(732) 251 3809 Lcedelman@aol.com

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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LAWRENCE C. EDELMAN, ESQ
IP COUNSEL, AUTOMATIC IMPULSE MACHINE DESIGN
3 BUFFALO RUN
EAST BRUNSWICK, NJ 08816

In re Application of CHIRNOMAS	:	
U.S. Application No.: 12/515,738	:	
PCT Application No.: PCT/US2007/076053	:	
Int. Filing Date: 15 August 2007	:	DECISION
Priority Date Claimed: 15 August 2006	:	
Attorney Docket No.: 07pa04p/us	:	
For: VENDING MACHINE WITH VIDEO DISPLAY	:	

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 July 2009.

BACKGROUND

On 15 August 2007, applicant filed international application PCT/US2007/076053, which claimed priority of an earlier United States application filed 15 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 16 February 2009 (15 February 2009 was a holiday).

On 17 February 2009, international application PCT/US2007/076053 became abandoned as to the United States for failure to timely pay the basic national fee.

On 20 May 2009, applicant filed a petition under 37 CFR 1.137(b).

On 21 July 2009, this Office mailed a decision dismissing the 20 May 2009 petition.

On 23 July 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 15 August 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 May 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

17 JUL 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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24504
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 Galleria Parkway, S.E.
Ste. 1500
Atlanta, GA 30339-5994

In re Application of :
LIU, Zhiren :
U.S. Application No.: 12/515,785 :
PCT No.: PCT/CN2007/002668 :
Int. Filing Date: 07 September 2007 :
Priority Date: 07 September 2006 :
Docket No.: 291401-1030 :
For: USE OF HYDROCHLORIC ACID IN MANUFACTURE OF MEDICAMENT FOR TREATING DISEASE CAUSED BY FOULING OF TRANSPORT TRACT :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 21 May 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

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 20 2010

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
Gerald HEHENBERGER	:	DECISION ON PETITION
Application No. 12/515,849	:	TO MAKE SPECIAL UNDER
Filed: May 23, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-234US1	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102(c)(2), filed July 7, 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 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 3655 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/515,873	05/21/2009	Gary Anthony Jubb	046430.039	3259

25461 7590 07/26/2010
SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

EXAMINER	
GRAY, JILL M	

ART UNIT	PAPER NUMBER
1782	

MAIL DATE	DELIVERY MODE
07/26/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

July 26, 2010

In re application of	:	DECISION ON REQUEST TO
Gary Jubb	:	PARTICIPATE IN PATENT
Serial No. 12/515,873	:	PROSECUTION HIGHWAY
Filed: May 21, 2009	:	PROGRAM AND
For: INORGANIC FIBRE COMPOSITIONS	:	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 July 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language;

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

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

The application is 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
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/515,895	05/21/2009	Seongeun Lee	1630-0737PUS1	3357

2292 7590 07/23/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
RIDLEY, BASIA ANNA	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
07/23/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

July 22, 2010

In re application of	:	DECISION ON REQUEST TO
Seongeun Lee	:	PARTICIPATE IN PATENT
Serial No. 12/515,895	:	PROSECUTION HIGHWAY
Filed: May 21, 2009	:	PROGRAM AND
For: METHOD FOR MANUFACTURING	:	PETITION TO MAKE SPECIAL
SOLAR CELL AND SOLAR CELL	:	UNDER 37 CFR 1.102(d)
MANUFACTURED BY THE METHOD	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed June 30, 2010.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s);
   b. An English translation of the allowable/ patentable claim(s); and
   c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit a copy of:
   a. All of the Office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) that are the basis for the request;

b. An English language translation of the KIPO Office actions from (5)(a) above; and
c. A statement that the English translation is accurate;

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2009

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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
JANG	:	
Application No.: 12/516,169	:	DECISION
PCT No.: PCT/KR2007/002527	:	
Int. Filing Date: 23 May 2007	:	
Priority Date: 26 May 2006	:	
Attorney Docket No.: DYNE18.001APC	:	
For: THREE DIMENSIONAL LIGHT MEASURING APPARATUS	:	

This decision is in response to applicant's submission filed 22 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 May 2007, applicant filed international application PCT/KR2007/002527 which designated the U.S. and claimed a priority date of 26 May 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 06 December 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 November 2008

On 22 May 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the

reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 22 May 2009.

As to item (2), applicant submitted the petition fee on 22 May 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2009

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GENOMICS INSTITUTE OF THE
NOVARTIS RESEARCH FOUNDATION
10675 JOHN JAY HOPKINS DRIVE, SUITE E225
SAN DIEGO CA 92121-1127

In re Application of	:	
WANG, et al.	:	
U.S. Application No.: 12/516,187	:	DECISION ON PETITION
PCT No.: PCT/US2007/083774	:	
Int. Filing Date: 09 November 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 09 November 2006	:	
Attorney Docket No.: P1275US10	:	
For: AGONIST TRKB ANTIBODIES AND USES THEREOF	:	

The petition to revive under 37 CFR 1.137(b) filed 22 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

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22 APR 2010

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30868
KRAMER & AMADO, P.C.
1725 Duke Street
Suite 240
Alexandria, VA 22314

In re Application of :
GLOBAL SIGHT, S.A. DE C.V. :
U.S. Application No.: 12/516,325 :
PCT No.: PCT/MX2007/000142 :
Int. Filing Date: 26 November 2007 :
Priority Date: 24 November 2006 : **DECISION**
Attorney Docket No.: RAP 3041 :
For: REMOTE AND DIGITAL DATA TRANSMISSION SYSTEMS AND SATELLITE LOCATION FROM MOBILE . . . :

This application is before the PCT Legal Staff for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 26 November 2007, applicant filed international application PCT/MX2007/000142 which claimed priority of an earlier Mexican patent application filed 24 November 2006.

On 26 May 2009, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the basic national fee.

On 29 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond.

On 09 February 2010, applicants filed a "Response to Notice to File Missing Requirements" which was accompanied by, *inter alia*, a declaration signed by Pedro Flores CASTILLO as the inventor.

On 09 April 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and filing receipt indicating that all 35 U.S.C. 371 requirements were satisfied on 09 February 2010. A "Filing or

371(c) Date of "02/09/2010" was noted on the filing receipt.

DISCUSSION

The Request (Form PCT/RO/101) for PCT/MX2007/000142 indicated that GLOBAL SIGHT, S.A. DE C.V. was the applicant for all designated states except the United States of America and that Pedro CASTILLO FLORES was listed as applicant and inventor for all designated States except the United States of America.

The above-identified international application is not eligible to enter the national stage in the United States because it was not filed by a person qualified to file a patent in the United States. See 35 U.S.C. 373, which states,

> An international application designating the United States, shall not be accepted by the Patent and Trademark Office for the national stage if it was filed by anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States. Such international applications shall not serve as the basis for the benefits of an earlier filing date under section 120 of this title in a subsequently filed application, but may serve as the basis for a claim of the right of priority under subsections (a) through (d) of section 119 of this title, if the United States was not the sole country designated in such international application.

Section 111 of the 35 U.S.C. requires the inventor to file an application. The international application did not identify the inventor for the United States and thus the application was not filed by someone qualified to file a national patent.

Therefore, applicant's paper filed on 26 May 2009 cannot be accepted in the national stage of the United States.

CONCLUSION

This application will be held in the Office of PCT Legal Administration for two months, after which time the application may be disposed of.

The Form PCT/DO/EO/905 mailed 09 December 2009, the Form PCT/DO/EO/903 and the filing receipt mailed 09 April 2010 are hereby **VACATED**.

If reconsideration on the merits of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicants may wish to contact the undersigned for clarification.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by

the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUL 2010

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30868
KRAMER & AMADO, PC.
1725 Duke Street
Alexandria, VA 22314

In re Application of :
CASTILLO FLORES, Pedro :
U.S. Application No.: 12/516,325 :
PCT No.: PCT/MX2007/000142 :
Int. Filing Date: 26 November 2007 :
Priority Date: 24 November 2006 : **DECISION**
Attorney Docket No.: RAP 3041 :
For: REMOTE AND DIGITAL DATA :
TRANSMISSION SYSTEMS AND :
SATELLITE LOCATION FROM :
MOBILE OR FIXED TERMINALS . . . :

This decision is in response to the "Petition to Correct Form PCT/RO/101 Under 37 C.F.R. 1.182" filed 08 June 2010.

BACKGROUND

On 22 April 2010, a decision stating that the above-captioned application could not be accepted in the national stage of United States was mailed. Applicant was given two months to respond.

On 08 June 2010, applicant filed a petition under 37 CFR 1.182 to correct the applicant information in the underlying international application, PCT/MX2007/000142.

DISCUSSION

Applicant's request to correct the information erroneously listed on the PCT Request (Form PCT/RO/101) of PCT/MX2007/000142. Pedro CASTILLO FLORES was listed as the applicant and inventor for all designated States except the United States of America. Applicant states that this was an "inadvertent typographical error" and that Pedro CASTILLO FLORES should have been listed as applicant and inventor for the United States of America only. A $400.00 petition fee was provided.

A review of the international application shows that the wrong box was checked in the PCT Request for the inventor. Pedro CASTILLO FLORES should have been listed as applicant and inventor for the United States of America only. GLOBAL SIGHT, S.A. DE C.V was listed as applicant for all designated states except the United States of America. This is sufficient for a grantable petition.

Applicant's request that the Form PCT/DO/EO/903 and filing receipt mailed 09 April 2010 be reissued is declined. These forms were sent erroneously. A new Form PCT/DO/EO/903 and filing receipt will be issued by the United States Designated/Elected Office (DO/EO/US).

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

Pedro CASTILLO FLORES is now considered as the applicant and inventor for the United States of America only of PCT/MX2007/000142.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

04 FEB 2010

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30678
CONNOLY BOVE LODGE & HUTZ LLP
1875 Eye Street, N.W.
Suite 1100
Washington, DC 20006

In re Application of :
PURTON *et al* :
U.S. Application No.: 12/516,385 :
PCT No.: PCT/AU2007/001736 : **DECISION ON**
Int. Filing Date: 12 November 2008 : **PETITION UNDER**
Priority Date: 13 November 2007 : **37 CFR 1.137(b)**
Docket No.: 21854-00117-US :
For: IMPROVED GAMING TOKEN :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 27 May 2009 is hereby **GRANTED** as follows:

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

A declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was provided on 02 December 2009.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

MAIL

DEC 10 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
KAWARAGI, HIROSHI
Application No. 12/516,445
Filed: May 27, 2009
Attorney Docket No. MAPS-45436

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 13, 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

13 NOV 2009

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P.O. Box 1450
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NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

In re Application of :
Bergquist :
Application No. 12/516,526 :
PCT No.: PCT/SE2006/001336 :
Int. Filing Date: 24 November 2006 : DECISION
Priority Date: N/A :
Att. Docket No.: 2303.063.PCUS00 :
For: Arrangement Related To :
A Motor-Driven Tool :

The petition to revive under 37 CFR 1.137(b) filed on 27 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **11 September 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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SPECKMAN LAW GROUP PLLC
1201 THIRD AVENUE, SUITE 330
SEATTLE WA 98101

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of
Kini, et al.
Application No. 12/516,550
Filed: May 27, 2009
Attorney Docket No. 16100.1011

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR.1.28, filed February 18, 2010.

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

25 JAN 2010

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THORNE & HALAJIAN
APPLIED TECHNOLOGY CENTER
111 WEST MAIN STREET
BAY SHORE NY 11706

In re Application of	:	
Van De Belt et al.	:	
Application No. 12/516,566	:	
PCT No.: PCT/EP2007/062513	:	
Int. Filing Date: 19 November 2007	:	DECISION
Priority Date: 21 November 2006	:	
Att. Docket No.: DEAG06038	:	
For: Curable Liquid Compositions Cured Film And Antistatic Laminate	:	

The petition to revive under 37 CFR 1.137(b) filed on 27 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 27 May 2009 reveals that it is defective because the last page is signed by a possible third inventor, who is not named and for whom no pertinent information has been provided.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,576	02/08/2010	Mitsugu Nagoya	B-6636 961257-9	9344

36716 7590 04/02/2010

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

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.

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5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of
Mitsugu NAGOYA
Application No.: 12/516,576
Filed: 08b February 2010
Attorney Docket No.: B-6636 961257-9
For: TESTING APPARATUS

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

Regarding the requirement of condition (1), no statement has been received which sets forth the relationship between the Japanese application (2007-513545) with the allowed claims and the priority document (PCT/JP2006/323847).

Regarding the requirement of condition (2), a copy to the allowed Japanese claims and a certificate of translation is not present in the file.

Regarding the requirement of condition (3), claims 7 and 8 of the instant application do not correspond to claims 5 and 6 of the Japanese application. Claims 7 and 8 of the instant application substitute "module" for the "means" of the Japanese application. This change represents a change 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.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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.
12/516,576	02/08/2010	Mitsugu Nagoya	B-6636PCT 961257-9	9344

36716 7590 05/17/2010

LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES, CA 90036-5679

EXAMINER	
ART UNIT	PAPER NUMBER
2857	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

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

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

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LADAS & PARRY
5670 WILSHIRE BOULEVARD, SUITE 2100
LOS ANGELES CA 90036-5679

In re Application of
Mitsugu NAGOYA
Application No.: 12/516,576
Filed: 08 February 2010
Attorney Docket No.: B-6636 961257-9
For: TESTING APPARATUS

: 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 08 February 2010 and renewed on 30 April 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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).

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

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

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

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

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

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1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of
KAWARAGI, HIROSHI
Application No. 12/516,605
Filed: May 28, 2009
Attorney Docket No. **MAPS-45363**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 13, 2009 and supplemented on September 22, 2009 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JAN 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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	:	
DEN BESTEN et al.	:	
Application No.: 12/516,782	:	DECISION ON
PCT No.: PCT/IB2007/054816	:	PETITION
Int. Filing Date: 28 November 2007	:	UNDER
Priority Date: 29 November 2006	:	37 CFR 1.182
Attorney Docket No.: 00 7516 US1	:	
For: METHOD AND CIRCUIT FOR RECEIVING DATA		

This decision is issued in response to applicants' "Request for Correction of Inventorship in a Patent Application under 35 U.S.C. [sic] 1.48 Pursuant to 35 U.S.C. 116" filed 28 May 2009, which is being treated as a petition under 37 CFR 1.182. Applicants are notifying the Office that the name of the first inventor is Gerrit Willem Den Besten as indicated on the declaration rather than Gerrit Besten as indicated on the published international application.

In the published international application, the first inventor was identified as Gerrit Besten. On the declaration filed 28 May 2009, this inventor was identified as Gerrit Willem Den Besten. With respect to corrections in an inventor's name, section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error. Similarly, a typographical or transliteration error in the name of an inventor identified in a previously submitted oath or declaration may be corrected by simply notifying the Office of

> the error. A new oath or declaration is not required to correct such error.

In that this is clearly more than a mere typographical error, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition requires payment of the applicable $400 petition fee and statements from the inventor and any other person(s) having firsthand knowledge regarding the error/discrepancy in the inventor's name. Such statement(s) must confirm the correct name of the inventor, explain how the discrepancy in the inventor's name occurred, and state that the discrepancy occurred without deceptive intent.

Here, applicants' submission included the authorization to charge Deposit Account No. 50-4019 for required fees. Based on this authorization, the Deposit Account will be charged the requisite petition fee of $400. Applicants have submitted the required statement from the inventor confirming the name correction and that the error occurred without deceptive intent.

Based on applicants' statements herein, it is accepted that the correct full name for the first inventor herein is Gerrit Willem Den Besten, as set forth on the declaration filed 28 May 2009.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to correct the name of record for the first inventor herein is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing and for review of the national stage papers submitted 28 May 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

10 JUN 2009

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Roberts Mlotkowski Safran & Cole, P.C.
Intellectual Property Department
P.O. Box 10064
McLean, VA 22102-8064

In re Application of :
FERNANDEZ-GARCIA, Carlos Javier :
Application No.: 12/516,792 : DECISION ON PETITION
PCT No.: PCT/MX2006/000130 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 November 2006 :
Priority Date: None :
Attorney Docket No.: 15269 :
For: PREMIXING AND DRY FIBRATION PROCESS :

The petition to revive under 37 CFR 1.137(b) filed 28 May 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

02 JUN 2009

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of	:	
PARK	:	
Application No.: 12/516,887	:	
PCT No.: PCT/KR07/04442	:	DECISION ON PETITION
Int. Filing Date: 14 September 2007	:	
Priority Date: 15 September 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 4898-103	:	
For: DATA INPUT APPARATUS	:	

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

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

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 14 September 2007 under 35 U.S.C. 363 and will be given a date of **29 May 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,896	05/29/2009	Federico Bussolino	2923-965	1921

6449 7590 04/23/2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
1654	

NOTIFICATION DATE	DELIVERY MODE
04/23/2010	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):

PTO-PAT-Email@rfem.com

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

Applicant: Bussolino et al.
Appl. No.: 12/516,896
Filing Date: May 29, 2009
Title: METASTASIS-SPECIFIC PEPTIDES AND THEIR DIAGNOSTIC AND THERAPEUTIC APPLICATIONS
Attorney Docket No.: 2923-965
Pub. No.: US 2010/0041614 A1
Pub. Date: February 18, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on April 19, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 04/23/2010 KKING1
04/20/2010 INTEFSW 00003975 022135 12516896
01 FC:1504 300.00 CR

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23 JUL 2009

26574
SCHIFF HARDIN, LLP
Patent Dept.
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606-6473

In re Application of :
JAGER *et al* :
U.S. Application No.: 12/516,945 :
PCT No.: PCT/EP2007/002536 :
Int. Filing Date: 20 March 2007 : **DECISION ON**
Priority Date: 30 March 2006 : **PETITION UNDER**
Docket No.: P08,0367 : **37 CFR 1.137(b)**
For: ELECTRODE CONFIGURATIONS FOR :
ELECTROCHEMICALLY ACTIVATED :
SYSTEMS :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 29 May 2009 is hereby **GRANTED** as follows:

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

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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23 JUL 2009

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of SCHURMANN et al.
Application No.: 12/516,953
PCT No.: PCT/EP07/03274
Int. Filing: 12 April 2007
Priority Date: 13 April 2006
Attorney Docket No.:BHD-4662-1184
For: PROCESS FOR THE PREPARATION OF ENANTIOMERI CALLY ENRICHED BETA-AMINO ALCOHOLS.....

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

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

Applicant's statement that "the entire delay in filing the required papers (now supplied herewith) from the due date of 13 October 2008 until the 29 May 2009, filing of this petition was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,956	05/29/2009	Sang Youl Lee	3449-1121PUS1	2471

2292 7590 05/28/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
05/28/2010	ELECTRONIC

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
Sang Youl LEE
Application No.: 12/516,956
Filed: 29 May 2009
Attorney Docket No.: 3449-1121PUS1
For: SEMICONDUCTOR LIGHT EMITTING DEVICE AND METHOD OF FABRICATING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 22 April 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

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

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

Regarding requirement 3, applicant has not amended the claims of the instant U.S. application to sufficiently correspond to the allowable/patentable claims of the Korean application. For example only, claim 21 of the instant application recites "an outer protection layer" and "at an outer circumference" while claim 1 of the Korean application recites "an outer protection semiconductor layer" and "at an outer circumference portion." These differences represent a change 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.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/516,956	05/29/2009	Sang Youl Lee	3449-1121PUS1	2471

2292 7590 07/09/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2815	

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):

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
Sang Youl LEE
Application No.: 12/516,956
Filed: 29 May 2009
Attorney Docket No.: 3449-1121PUS1
For: SEMICONDUCTOR LIGHT EMITTING DEVICE AND METHOD OF FABRICATING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 22 April 2010 and renewed 28 June 2010, to make the above-identified application special.

The request and petition are **Granted**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

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

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 16, 2009

In re application of Masaharu Miyahisa et al. Serial No. 12/516,969 Filed: May 29, 2009 For: ELECTRODE PLATE FOR BATTERY, ELECTRODE GROUP FOR BATTERY, LITHIUM SECONDARY BATTERY, METHOD FOR PRODUCING ELECTRODE PLATE FOR BATTERY AND APPARATUS FOR PRODUCING ELECTRODE PLATE FOR BATTERY	:DECISION ON REQUEST TO :PARTICIPATE IN PATENT :PROSECUTION HIGHWAY :PROGRAM AND :PETITION TO MAKE SPECIAL :UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed October 02, 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the 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

12 FEB 2010

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

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of KAESTLE	:	
Application No.: 12/517,013	:	DECISION ON
PCT No.: PCT/EP07/09124	:	
Int. Filing: 22 October 2007	:	PETITION TO REVIVE
Priority Date: 26 October 2006	:	
Attorney Docket No.: 31492-270837	:	UNDER 37 CFR 1.137(b)
For: METHOD FOR OPERATING A LOW-VOLTAGE ELECTRICAL SYSTEM	:	

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

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

A review of the application file reveals that the proper reply, 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.

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

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CST

July 22, 2009

In re application of	:	DECISION ON REQUEST TO
Toru Wada et al	:	PARTICIPATE IN PATENT
Serial No. 12/517,082	:	PROSECUTION HIGHWAY
Filed: June 1, 2009	:	PROGRAM AND
For: A PRINTING ORIGINAL PLATE CAPABLE OF BEING LASER-ENGRAVED	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed June 1, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/517,122		Satoshi SAKAI	OLI-068	4246

32628 7590 09/17/2009
KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER	
ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
09/17/2009	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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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA VA 22314-2848

In re Application of
Satoshi SAKAI
Application No.: 12/517,122
Filed: 1 June 2009
Attorney Docket No.: OLI-068
For: WAVELENGTH SELECTION METHOD, FILM THICKNESS MEASUREMENT METHOD, FILM THICKNESS MEASUREMENT APPARATUS, AND SYSTEM FOR PRODUCING THIN FILM SILICON DEVICE

: 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 27 July 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;

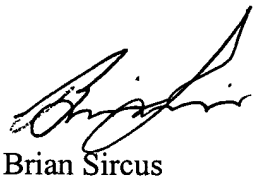
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application 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).

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 Brian Sircus at 571-272-2058.

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.



Brian Sircus
TQAS, Technology Center 2800
Semiconductors Electrical & Optical Systems & Components

- 5 JAN 2010

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

In re Application of	:	DECISION ON
NAUROY et al.	:	
Application No.: 12/517,189	:	PETITION UNDER
PCT No.: PCT/EP2007/062554	:	
Int. Filing Date: 20 November 2007	:	37 CFR § 1.47(b)
Priority Date: 01 December 2006	:	
Attorney Docket No.: 10732.0005-00	:	
For: SIMULATION DEVICE FOR TRACKING	:	
THE RESPECTIVE MOTIONS OF AT LEAST	:	
TWO INSTRUMENTS	:	

This is a decision on applicant's petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 20 November 2009. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 20 November 2007, applicant filed international application PCT/EP2007/062554, which designated the US and claimed a priority date of 01 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 June 2009.

On 01 June 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 20 November 2009, applicant submitted the instant petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a declaration of facts by Johan Lindkvist, a

declaration of facts by Francois-Regis Richard, redacted executed copies of employment agreements for each of the three non-signing inventors, and a declaration of inventors signed by the 37 CFR 1.47(b) applicant.

DISCUSSION

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

Items (1), (3), (4), and (6) have been met.

Item (2) has not been met. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." Although the declaration of facts by Mr. Richard states that copies of the application papers were sent to each inventor via e-mail, copies of these e-mails and English translations thereof have not been provided. Also, it is not clear that non-signing inventor Jurjen Zoethout received the e-mail with the application papers attached. Additionally, when "there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts." MPEP § 409.03(d). Copies of the e-mails and English translations thereof wherein the non-signing inventors refused to sign the application papers have not been provided.

Item (5) has not been met. Signed employment agreements between the three non-signing inventors and Xitact S.A. have been provided. For an agreement that states that it is dependent on certain conditions being met (e.g., the invention must be made in execution of the inventor's contractual duties) for the invention to belong to the employer, a statement of facts by someone with firsthand knowledge of the circumstances in which those conditions have been met is required. See MPEP § 409.03(f). Here, such conditions exist (paragraph 8.2 of employment agreement) but no such statement of facts has been provided. The statement in the declaration of fact by Mr. Lindkvist that the invention was made by the three non-signing inventors while employed by Xitact S.A. is acknowledged. However, this statement does not specify whether the invention was made in execution of their contractual duties and it is not clear whether Mr. Lindkvist has first-hand knowledge of the circumstances in which the invention was made.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

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

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

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

/Daniel Stemmer/

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

2 9 MAR 2010

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LLP
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WASHINGTON DC 20001-4413

In re Application of	:	DECISION ON
NAUROY et al.	:	
Application No.: 12/517,189	:	PETITION UNDER
PCT No.: PCT/EP2007/062554	:	
Int. Filing Date: 20 November 2007	:	37 CFR § 1.47(b)
Priority Date: 01 December 2006	:	
Attorney Docket No.: 10732.0005-00	:	
For: SIMULATION DEVICE FOR TRACKING THE RESPECTIVE MOTIONS OF AT LEAST TWO INSTRUMENTS	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 04 March 2010. The petition is **GRANTED**.

BACKGROUND

On 20 November 2007, applicant filed international application PCT/EP2007/062554, which designated the US and claimed a priority date of 01 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 June 2009.

On 01 June 2009, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 September 2009, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 20 November 2009, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a declaration of facts by Johan Lindkvist, a declaration of facts by Francois-Regis Richard, redacted executed copies of employment agreements for each of the three non-signing inventors, and a declaration of inventors signed by the 37 CFR 1.47(b) applicant.

On 05 January 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that factual proof that the inventors refuse to execute the application or cannot be reached after diligent effort had not been provided and that proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application had not been provided.

On 04 March 2010, applicant submitted the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a second statement of facts by Johan Lindkvist, a second statement of facts by Francois-Regis Richard, copies of e-mails to and from the three non-signing inventors--Herve Nauroy, Mirko Favre, and Jurjen Zoethout--and English translations thereof.

DISCUSSION

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

As noted in the decision mailed 05 January 2010, items (1), (3), (4), and (6) have been met.

Item (2) has now been met. It has been established that the non-signing inventors Herve Nauroy, Mirko Favre, and Jurjen Zoethout have been presented with the application papers and that they each refused to sign.

Item (5) has now been met as well. The decision mailed 05 January 2010 indicated that a statement from a person having first hand knowledge of the invention being made during the non-signing inventors' employment had not been provided. The second statement of facts by Johan Lindkvist provided 04 March 2010 is sufficient.

CONCLUSION

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

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at each of their last known addresses of record.

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **20 November 2009**.

/Daniel Stemmer/

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

29 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Herve Nauroy
Hohlenweg 1
CH-2503 Bienne
Switzerland

In re Application of
NAUROY et al.
Application No.: 12/517,189
PCT No.: PCT/EP2007/062554
Int. Filing Date: 20 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 10732.0005-00
For: SIMULATION DEVICE FOR TRACKING THE RESPECTIVE MOTIONS OF AT LEAST TWO INSTRUMENTS

Dear Mr. Nauroy:

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

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

/Daniel Stemmer/

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

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

29 MAR 2010

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Mirko Favre
Rue de Temple 2
CH-1096 Cully
Switzerland

In re Application of
NAUROY et al.
Application No.: 12/517,189
PCT No.: PCT/EP2007/062554
Int. Filing Date: 20 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 10732.0005-00
For: SIMULATION DEVICE FOR TRACKING THE RESPECTIVE MOTIONS OF AT LEAST TWO INSTRUMENTS

Dear Mr. Favre:

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

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

/Daniel Stemmer/

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

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

29 MAR 2010

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Alexandria, VA 22313-1450
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Jurjen Zoethout
Impasse des Mesanges 5
CH-1530 Payerne
Switzerland

In re Application of
NAUROY et al.
Application No.: 12/517,189
PCT No.: PCT/EP2007/062554
Int. Filing Date: 20 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 10732.0005-00
For: SIMULATION DEVICE FOR TRACKING THE RESPECTIVE MOTIONS OF AT LEAST TWO INSTRUMENTS

Dear Mr. Zoethout:

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

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

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
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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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CST

September 29, 2009

In re application of	:	DECISION ON REQUEST TO
Satoshi Sakai et al	:	PARTICIPATE IN PATENT
Serial No. 12/517,200	:	PROSECUTION HIGHWAY
Filed: June 2, 2009	:	PROGRAM AND
For: FILM QUALITY EVALUATION	:	PETITION TO MAKE SPECIAL
METHOD, APPARATUS THEREFOR	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed July 23, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

United States Patent and Trademark Office

24 JUN 2009

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of SREDNI et al.
Application No.: 12/517,222
PCT No.: PCT/IL2006/001080
Int. Filing Date: 14 September 2006
Priority Date: 15 September 2005
Attorney Docket No: 46457
For: USE OF TELLURIUM COMPOUNDS FOR TREATMENT OF BASAL CELL CARCINOMA AND/OR ACTINIC KERATOSIS

DECISION ON PETITION TO REVIVE UNDER 37 C.F.R. 1.137 (b)

This decision is in response to applicant's "PETITION TO REVIVE UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 2 June 2009.

BACKGROUND

On 14 September 2006, applicant filed international application PCT/IL2006/001080. The international application designated the United States and claimed priority to US Provisional Application 60/716923 filed on 15 September 2005. The deadline for payment of the basic national fee was 15 March 2008 which is thirty months from the priority date. Applicant missed the deadline by failing to pay the appropriate basic national fee and the application became abandoned at midnight 15 March 2008.

On 2 June 2009, applicant filed the present petition under 37 C.F.R 1.137(b) to revive the application, which was accompanied by the basic national fee.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply in the form of the basic national fee.

Regarding item (2), the petition fee has been received.

Regarding item (3), further information is required before it can be determined whether applicant's delay in filing the required reply was unintentional.

MPEP 711.03(c), Section E., Party Whose Delay Is Relevant states

> The question under **37 CFR 1.137** is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unavoidable or unintentional. When the applicant assigns the entire right, title, and interest in an invention to a third party (and thus does not retain any legal or equitable interest in the invention), the applicant's delay is irrelevant in evaluating whether the delay was unavoidable or even unintentional. See *Kim v. Quigg*, 718 F. Supp. 1280, 1284, 12 USPQ2d 1604, 1607-08 (E.D. Va. 1989). When an applicant assigns the application to a third party (e.g., the inventor/applicant's employer), and the third party decides not to file a reply to avoid abandonment, the applicant's actions, inactions or intentions are irrelevant under **37 CFR 1.137**, unless the third party has reassigned the application to the applicant prior to the due date for the reply. *Id.*
>
> Likewise, where the applicant permits a third party (whether a partial assignee, licensee, or other party) to control the prosecution of an application, the third party's decision whether or not to file a reply to avoid abandonment is binding on the applicant. See *Winkler*, 221 F. Supp. at 552, 138 USPQ at 667. Where an applicant enters an agreement with a third party for the third party to take control of the prosecution of an application, the applicant will be considered to have given the third party the right and authority to prosecute the application to avoid abandonment (or not prosecute), unless, by the express terms of the contract between applicant and the third party, the third party is conducting the prosecution of the application for the applicant solely in a fiduciary capacity. See *Futures*

Technology Ltd. v. Quigg, 684 F. Supp. 430, 431, 7 USPQ2d 1588, 1589 (E.D. Va. 1988). Otherwise, the applicant will be considered to have given the third party unbridled discretion to prosecute (or not prosecute) the application to avoid abandonment, and will be bound by the actions or inactions of such third party.

In the present case, paragraph 2 of the supporting facts states that Miramar Therapeutics, Inc. ("Miramar" had the authority to file and prosecute all licensed patent applications. Paragraph 2 further states that BioMas assumed control of the filing and prosecution of such licensed patent applications only after receiving notice of Miramar's intent to abandon, which did not occur in the present situation. Thus, it appears that the licensee was permitted to control the prosecution of the present application and made a deliberate decision not to enter the U.S. national phase. Therefore, in accordance with MPEP 711.03(c), the licensee's conscious decision to not enter the U.S. national phase is binding on applicant and cannot be deemed unintentional in light of the submitted evidence.

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

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If consideration on the merits of the petition is desired, a proper response must be filed within TWO(2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

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

S. B. McPartlin

Sarah McPartlin
Office of PCT Legal Administration
(571) 272-6095

FOR

Bryan Lin
Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of: SREDNI, et al.
U.S. Application No.: 12/517,222
PCT No.: PCT/IL2006/001080
International Filing Date: 14 September 2006
Priority Date: 15 September 2005
Atty Docket No.: 46457
For: USE OF TELLURIUM COMPOUNDS FOR TREATMENT OF BASAL CELL CARCINOMA AND/OR ACTINIC KERATOSIS

DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

In a decision mailed herein on 24 June 2009, applicants' petition for revival under 37 CFR 1.137(b) of international application PCT/IL2006/001080 was dismissed without prejudice for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had not provided an adequate showing that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition was unintentional. More specifically, the decision found that the materials submitted with the original petition indicated that licensee Miramar Therapeutics, Inc. ("Miramar") was permitted to control the prosecution of the present application and that a deliberate decision to abandon the present application by Miramar would therefore be binding on the applicant and preclude a finding of unintentional abandonment.

On 24 August 2009, applicants filed the renewed petition considered herein. The submission includes a "Declaration Of Frank Taffy" in which Mr. Taffy identifies himself as the individual responsible for the prosecution and maintenance of Miramar's patent portfolio during the relevant time period. The statement confirms that the failure of Miramar to file a timely U.S. national stage for PCT/IL2006/001080 was "unintentional" and not the result of any deliberate decision on the part of Miramar to abandon the application. This statement, in combination with the previously filed materials, provides an adequate showing that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition was unintentional, satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, applicants' have now satisfied the final outstanding requirement for a grantable petition for revival under 37 CFR 1.137(b). The renewed petition under 37 CFR 1.137(b) is therefore appropriately **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 June 2009.

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

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

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Gal Eshed, et al. :
Application No. 12/517,261 :
Filed: June 2, 2009 :
Attorney Docket No. C010-P1030-US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NANOMOTION LTD.**
Mordot HaCarmel Industial Park
Ha Yetsira Street
PO Box 623
Yokneam 20692
Israel

3 1 JUL 2009

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SILICON EDGE LAW GROUP, LLP
6601 KOLL CENTER PARKWAY
SUITE 245
PLEASANTON CA 94566

In re Application of :
ZERBE, Jared et al. :
U.S. Application No.: 12/517,274 :
PCT No.: PCT/US2007/024948 :
Int. Filing Date: 05 December 2007 : DECISION
Priority Date: 05 December 2006 :
Attorney Docket No.: RA495.PCT.US :
For: METHODS AND CIRCUITS FOR :
ASYMMETRIC DISTRIBUTION OF :
CHANNEL EQUALIZATION :
BETWEEN DEVICES :

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 02 June 2009, applicant filed two sets of paperwork for the national phase entry of PCT/US2007/024948, being assigned application nos. 12/517,270 and 12/517,274, respectively. Application 12/517,274 is the national phase.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/US2007/024948. 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 multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/517,270 and 12/517,274 have been consolidated into a single application.

All future correspondence in regards to the national phase of PCT/US2007/024948 should use 12/517,274.

Further, it is noted that the PCT Rule 4.17 declaration was submitted under PCT Rule 26*ter*, but failed to list the international application number, as is required. A new oath or declaration of the inventors, in compliance with 37 CFR 1.497(a)-(b) will be required.

CONCLUSION

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.

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,294	06/02/2009	Ryuichi Katayama	Q113604	5808

EXAMINER

7590 05/11/2010

SUGHRUE MION, PLLC
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SUITE 800
WASHINGTON, DC 20037

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
05/11/2010	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

05 JUN 2009

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Smith, Gambrell & Russell
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

In re Application of :
MAUDUIT et al. :
Application No.: 12/517,322 : DECISION ON PETITION
PCT No.: PCT/EP2007/063062 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 November 2007 :
Priority Date: 30 November 2006 :
Attorney Docket No.: 034166.070377PMC :
For: RUTHENIUM-BASED CATALYTIC COMPLEXES AND THE USE OF SUCH COMPLEXES FOR OLEFIN METATHESIS :

The petition to revive under 37 CFR 1.137(b) filed 02 June 2009 in the above-captioned application is hereby GRANTED as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 JAN 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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David C. Paik
7818 Oak Lane Rd.
Cheltenham PA 19012

In re Application of :
PAIK et al. :
Application No.: 12/517,382 : DECISION ON REQUEST
PCT No.: PCT/US2007/025126 :
Int. Filing Date: 06 December 2007 :
Priority Date: 06 December 2006 :
Attorney Docket No.: None :
For: METHOD OF STABILIZING HUMAN EYE TISSUE BY REACTION WITH NITRITE AND RELATED AGENTS SUCH AS NITRO COMPOUNDS

This decision is issued in response to applicant's response to Notification of Missing Requirements dated 10 November 2009. Applicant's request is being treated as a petition under 37 CFR 1.497(d), as explained below. The $130 petition fee has been submitted.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/US2007/025126 which claimed a priority date of 06 December 2006. The international application named David C. Paik, Stephen Trokel, and Jeffrey W. Holmes as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 06 June 2009.

On 03 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee.

On 29 September 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. Additionally, the notification indicated that an additional claims fee of $1,215 as a small entity was required. The notification set a two-month time limit in which to respond.

On 10 November 2009, applicant filed the required additional claims fees; a declaration executed by David C. Paik and Stephen Trokel; and the present request under 37 CFR 1.497(d).

On 08 December 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration was defective because Jeffrey W. Holmes was not identified on the declaration. A response to the Notification of Defective Response was submitted on 10 December 2009.

DISCUSSION

The published international application identified three applicants/inventors (David C. Paik, Jeffrey W. Holmes, and Stephen Trokel) for the United States. The present submission seeks to correct the inventorship so as to delete inventor Jeffrey W. Holmes from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

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

Applicant has satisfied items (1), (2) and (3). However, in order to satisfy item (4), applicant is required to submit a written consent of assignee (The Trustees of Columbia University in the City of New York) to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 08 December 2009 is hereby **VACATED**.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 FEB 2010

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David C. Paik
7818 Oak Lane Rd.
Cheltenham PA 19012

In re Application of :
PAIK et al. :
Application No.: 12/517,382 : DECISION ON REQUEST
PCT No.: PCT/US2007/025126 :
Int. Filing Date: 06 December 2007 :
Priority Date: 06 December 2006 :
Attorney Docket No.: None :
For: METHOD OF STABILIZING HUMAN EYE TISSUE BY REACTION WITH NITRITE AND RELATED AGENTS SUCH AS NITRO COMPOUNDS

In a decision mailed by this Office on 21 January 2010, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 01 Febraury 2010, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's (10 November 2009 and 21 January 2010) submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the deleted inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. And applicant has submitted written confirmation that no assigee exists.

Based on the above, applicant's request to delete Jeffrey W. Holmes as an inventor is appropriately granted. Based on this correction, the declaration filed on 10 November 2009 (which named David C. Paik and Stephen Trokel) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 10 November 2009.

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,391	06/03/2009	Takeo Azuma	OKUDP0412US	7002

51921 7590 10/26/2009

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
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CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
10/26/2009	PAPER

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

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

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United States Patent and Trademark Office
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MARK D. SARALINO (PAN)
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1621 EUCLID AVENUE
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CLEVELAND OH 44115

In re Application of	:	
AZUMA, TAKEO, et al.	:	DECISION ON REQUEST TO
Application No. 12/517,391	:	PARTICIPATE IN PATENT
Filed: June 3, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **OKUDP0412US**	:	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 01, 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.

6 AUG 2009

United States Patent and Trademark Office

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

BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6
CANADA

In re Application of :
Langlois et al. :
Application No. 12/517,416 :
PCT No.: PCT/CA2007/001926 :
Int. Filing Date: 26 October 2007 : DECISION
Priority Date: 26 October 2006 :
Att. Docket No.: 8381-094 :
For: Interactive System And Method :

The petition to revive under 37 CFR 1.137(b) filed on 03 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the failure to comply with 35 USC § 371 was unintentional during the entire period." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner is required to promptly notify this Office if this interpretation is inaccurate. Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **17 July 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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MAILED OCT 02 2009

LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU WI 54401

In re Application of: David Baker Application No.: 12/517,421 Filed: June 3, 2009 Title: VAPOR COMPRESSION AND EXPANSION AIR CONDITIONER	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 3, 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 reasons that it is not a filing under 37 CFR 1.111(a) and there are more than 20 claims.

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 the 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, Special Program Examiner
Technology Center 3700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/517,421	06/03/2009	David M. Baker	pdm54USU	7284

52944 7590 05/25/2010

LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU, WI 54401

EXAMINER	
JONES, MELVIN	
ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
05/25/2010	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):

FRED@LANEPATENTS.COM

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LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU WI 54401

In re Application of:	:	
BAKER, DAVID M.	:	DECISION ON REQUEST TO
Serial No.: 12/517,421	:	PARTICIPATE IN PATENT
Filed: June 3, 2009	:	PROSECUTION HIGHWAY
Docket: pdm54USU	:	(PPH) AND PETITION TO
Title: VAPOR COMPRESSION AND EXPANSION AIR CONDITIONER	:	MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the pilot 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 **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 corresponding application(s) filed in the KIPO 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 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 fail to include Items 2 and 6.

Item 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. The applicant is required to submit claims 1-21 in Korean language and the English translation.

Item 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; a copy of references, if any, cited by the Korean patent office.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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.
12/517,421	06/03/2009	David M. Baker	pdm54USU	7284

52944 7590 06/07/2010

LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU, WI 54401

EXAMINER	
JONES, MELVIN	
ART UNIT	**PAPER NUMBER**
3744	

NOTIFICATION DATE	DELIVERY MODE
06/07/2010	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):

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LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU WI 54401

In re Application of:	:	
BAKER, DAVID M.	:	DECISION ON REQUEST TO
Serial No.: 12/517,421	:	PARTICIPATE IN PATENT
Filed: June 3, 2009	:	PROSECUTION HIGHWAY
Docket: pdm54USU	:	(PPH) AND PETITION TO
Title: VAPOR COMPRESSION AND EXPANSION AIR CONDITIONER	:	MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the pilot Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 27, 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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 KIPO 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 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 fail to include Items 2 and 6 as stated in the last communication mailed on May 25, 2010.

In the renewed request, the applicant indicates that the original submission and search at the KIPO was done in English. There was no set of Korean claims or English translation to submit. An IDS listing the documents cited by KIPO, along with a copy of the PCT written opinion of ISA/KR was submitted on June 3, 2009 with the original filing. The submission as mentioned by the applicant clearly indicates that the applicant filed the PCT-PPH request on May 21, 2010 based on positive PCT work products where the ISA/IPEA was KIPO. Even though applicant used the regular PPH from (SB/20KR), however, the PPH supporting documents the applicant is relying on are the positive PCT work products from the PCT cases rather from a regular KIPO filing. On May 21, 2010, USPTO did not have a PCT-PPH agreement with KIPO (only with JPO and EPO). USPTO currently does not have a PCT-PPH pilot with KIPO. Therefore, the current PPH request based on PCT-PPH cannot be granted.

The application is being forwarded to the examiner awaiting action in its regular turn.

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

Petition is **denied**.

/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.
12/517,421	06/03/2009	David M. Baker	pdm54USU	7284

52944 7590 06/23/2010

LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU, WI 54401

EXAMINER	
JONES, MELVIN	

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
06/23/2010	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):

FRED@LANEPATENTS.COM

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LANE PATENTS LLC
100 NORTH 72ND AVE.
SUITE 107
WAUSAU WI 54401

In re Application of	:	
BAKER, DAVID M.	:	DECISION ON REQUEST TO
Application No. 12/517,421	:	PARTICIPATE IN PATENT
Filed: June 27, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. pdm54USU	:	PROGRAM AND PETITION
For: VAPOR COMPRESSION AND EXPANSION AIR CONDITIONER	:	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 June 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 disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO 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; and
(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.

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.

All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, the SPE of Art Unit 3744, and 571-272-6681 for Class 62/115 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

The application will be docketed to an 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.

The 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

16 DEC 2009

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BARNES & THORNBURG LLP
P.O. BOX 2786
CHICAGO IL 60690-2786

In re Application of:	:	
SCRAGG, Fred	:	
U.S. Application No.: 12/517,464	:	DECISION REGARDING
PCT No.: PCT/GB2007/050738	:	SUBMISSION UNDER
Int. Filing Date: 04 December 2007	:	37 CFR 1.42
Priority Date: 04 December 2006	:	
Attorney's Docket No.: 92670-109920	:	
For: PERSONAL VEHICLES	:	

This decision is issued in response to applicants' submission on 23 June 2009 of a declaration executed on behalf of deceased inventor Fred SCRAGG by the deceased inventor's legal representative, Mary Scragg, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 04 December 2007, applicant filed international application PCT/GB2007/050738. The international application claimed a priority date of 04 December 2006, and it designated the United States. On 12 June 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 04 June 2009.

On 03 June 2009, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee

On 23 June 2009, applicants filed the declaration considered herein. The declaration was executed on behalf of deceased sole-inventor Fred SCRAGG by his legal representative, Mary Scragg.

DISCUSSION

37 CFR 1.42 states in part:

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

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

37 CFR 1.497(b)(2) states the following:

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

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

Here, the declaration filed 23 June 2009 includes the required citizenship, residence, and mailing address information for Mary Scragg, the person signing the declaration on behalf of deceased inventor Fred SCRAGG, and it identifies this person as the legal representative of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Fred SCRAGG is **GRANTED**.

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

31 JUL 2009

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Alexandria, VA 22313-1450
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HENRY M FEIEREISEN, LLC
HENRY M FEIEREISEN
708 THIRD AVENUE
SUITE 1501
NEW YORK NY 10017

In re Application of AIGNER
Application No.: 12/517,483
PCT No.: PCT/AT07/00175
Int. Filing: 17 April 2007
Priority Date: 08 June 2006
Attorney Docket No.:AIGNER-3
For: TRAINING ARRANGEMENT

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

It is noted that an Austrian/English language declaration was submitted on 03 June 2009. As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. Applicant must provide a statement regarding the accuracy of the English translation of the Austrian/English language declaration.

This application is being forwarded to the United States Designated/Elected Office for further processing, in accord with this decision, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $65 surcharge for filing the oath or declaration after the thirty month period, is required.

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

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5/25/10
26 MAY 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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AMPACC Law Group
3500 188th Street S.W., Suite 103
Lynnwood WA 98037

In re Application of	:	
JUNG, et al.	:	
U.S. Application No.: 12/517,557	:	
PCT No.: PCT/KR2007/003562	:	
Int. Filing Date: 25 July 2007	:	DECISION
Priority Date: 07 December 2006	:	
Attorney Docket No.: 110LM-022100US	:	
For: MEMS PACKAGE AND PACKAGING METHOD THEREOF	:	

This decision is in response to applicant's refund request filed 16 March 2010 in the United States Patent and Trademark Office (USPTO).

Applicant seeks a refund of the $65.00 surcharge charged to deposit account 50-4713 on 22 February 2010. Applicant's request is **GRANTED**. A review of the application file finds that an executed declaration of the inventors, as well as, payment of the basic national, search and examination fees was provided on 04 June 2009 prior to expiration of thirty months from the priority date.

The forms PCT/DO/EO/923 mailed 21 December 2009 and PCT/DO/EO/903 mailed 25 February 2010 are hereby **VACATED**.

This application is being returned to the Office of PCT Operations, National Stage Processing for the preparation and mailing of a new Form PCT/DO/EO/903 indicating a date of completion of all 35 U.S.C. 371 requirements of 04 June 2009.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

31 JUL 2009

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United States Patent and Trademark Office
P.O. Box 1450
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WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

In re Application of CHEN
Application No.: 12/517,743
PCT No.: PCT/US07/86190
Int. Filing: 30 November 2007
Priority Date: 01 December 2006
Attorney Docket No.: 19810-P006WOUS
For: GASTROINTESTINAL ELECTRICAL STIMULATION FOR THE TREATMENT OF VISCERAL PAIN

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the $65 surcharge for filing the oath or declaration after the thirty month period, is required.

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

16 JUL 2009

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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER NH 03101

In re Application of	:	
WILSON et al.	:	
Application No.: 12/517,789	:	DECISION
PCT No.: PCT/US2007/083941	:	
Int. Filing Date: 07 November 2007	:	
Priority Date: 07 November 2006	:	
Attorney Docket No.: IAC46238	:	
For: LUMINOUS INTERIOR TRIM MATERIAL	:	

This decision is in response to applicant's submission filed 04 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 November 2007, applicant filed international application PCT/US2007/083941 which designated the U.S. and claimed a priority date of 07 November 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 15 May 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2009.

On 04 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 04 June 2009.

As to item (2), applicant submitted the petition fee on 04 June 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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

24 FEB 2010

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DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
DANZA et al	:	
Application No.: 12/517,821	:	
PCT No.: PCT/IB2006/003799	:	REQUEST UNDER
Int. Filing Date: 29 December 2006	:	
Priority Date: N/A	:	
Attorney's Docket No.: 09039	:	37 CFR 1.497(d)
For: DENTAL TRANSFER... DENTAL ARCHES	:	

This is a decision on applicant's "REQUEST FOR CORRECTION OF INVENTORSHIP IN ACCORDANCE WITH 37 C.F.R. 1.48(a)" filed on 19 August 2008, which is being treated as a request under 37 CFR 1.497 requesting to add joint inventors Patricia ABEND ENSALEM and Bichacho NITZAN.

BACKGROUND

On 29 December 2006, applicant filed International Application No. PCT/IB2006/003799 designating the United States and claiming a priority date of 15 September 2000. A copy of the intentional application was transmitted on 07 October 2008 to the USPTO from the International Bureau.

The deadline for entry into the national stage by paying the basic national fee in the U.S. expired as of midnight of 29 June 2009.

On 05 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee but no executed declaration was filed as such time.

On 17 June 2009, applicant filed an executed declaration signed by Matteo DANZA.

On 19 August 2009, applicant filed the current request and a new executed declaration that adds Patricia ABEND ENSALEM and Bichacho NITZAN, and a request to add them as joint inventors to the aforementioned application. The request included the "Notification of the Recording of a Change (PCT/IB/306)" communications from the International Bureau.

DISCUSSION

On 10 July 2009, the International Bureau mailed to the applicants copies of the NOTIFICATION OF THE RECORDING OF A CHANGE (Form PCT/IB/306) that indicated that applicant/inventors Patricia ABEND ENSALEM and Bichacho NITZAN have been added to the international application and has been published as such.

Accordingly, the international publication and declaration filed on 19 August 2009 reflects the change by the IB and the declaration is accepted because applicants have provided a showing that the applicant/inventors change was effected in accordance with PCT Rule 92*bis* prior to the filing of the present national stage application.

CONCLUSION

The petition under 37 CFR 1.497(d) is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **19 August 2009.**

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

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12 JAN 2010

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MICHAUD-KINNEY GROUP LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN, CT 06457

In re Application of TAKEOKA et al :
U.S. Application No.: 12/517,828 :
PCT Application No.: PCT/JP2007/073501 :
Int. Filing Date: 05 December 2007 : DECISION
Priority Date Claimed: 08 December 2006 :
Attorney Docket No.: 7639-0020WOUS :
For: INFORMATION UPDATING SYSTEM AND :
INFORMATION UPDATING METHOD :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 November 2009.

BACKGROUND

On 05 December 2007, applicant filed international application PCT/JP2007/073501, which claimed priority of an earlier Japan application filed 08 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 June 2009.

On 05 June 2009, applicant filed purported 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 09 June 2009, international application PCT/JP2007/073501 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 November 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 05 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 November 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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25 JUN 2009

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Steinfl & Bruno
301 N. Lake Ave Ste 810
Pasadena CA 91101

In re Application of	:	
PENCO, Sara	:	
Application No.: 12/517,942	:	DECISION ON PETITION
PCT No.: PCT/IT2007/000778	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 November 2007	:	
Priority Date: 07 November 2006	:	
Attorney Docket No.: P398-US	:	
For: DISCOVERING A WORK OF ART	:	

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

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/518,161	08/20/2009	Christoph Schramm	341265US6PCT	2681

22850 7590 03/19/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
3739	

NOTIFICATION DATE	DELIVERY MODE
03/19/2010	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):

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

Applicant: Schramm
Appl. No.: 12/518,161
Filing Date: August 20, 2009
Title: INTUBATION TUBE
Attorney Docket No.: 341265US6PCT
Pub. No.: US 2010/0010307 A1
Pub. Date: January 14, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 11, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/19/2010 KKING1
03/12/2010 INTEFSW 00006314 12518161
01 FC:1504 -300.00 DP

Refund Ref:
03/19/2010 0030081340

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX1007

2 8 JUL 2009

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DERGOSITS & NOAH LLP
Three Embarcadero Center
Suite 410
SAN FRANCISCO CA 94111

In re Application of:
PATERNOSTER, Joseph, et al.
U.S. Application No.: 12/518,274
PCT No.: PCT/US2007/013402
Int. Filing Date: 07 June 2007
Priority Date: 12 June 2006
Attorney Docket No.: 298.56
For: MOISTURIZING AGENT WITH NUTRIENTS

DECISION ON RENEWED PETITION
(37 CFR 1.137(b))

The renewed petition for revival under 37 CFR 1.137(b) filed 08 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/013402 became abandoned with respect to the United States at midnight on 12 December 2008 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

Applicants' original petition for revival of PCT/US2007/013402 was filed on 18 March 2009 in the priority application, U.S. application number 11/452,034. In a decision mailed in such application on 06 April 2009, applicants' petition was dismissed for failure to satisfy the requirements of a grantable petition. Specifically, applicants had failed to file the "required reply" in the form of either: (1) a U.S. national stage of the international application under 35 U.S.C. 371 accompanied by payment of the U.S. basic national fee; or (2) a U.S. non-provisional application under 35 U.S.C. 111(a) properly identified as a continuation of the international application.

On 08 June 2009, applicants filed the renewed petition considered herein, accompanied by the materials required to initiate the present U.S. national stage application under 35 U.S.C. 371, including payment of the U.S. basic national fee. The filing of the national stage of the international application and the payment of the basic national fee satisfies the "required reply" element of a grantable petition.

Applicants had previously submitted the required petition fee. In addition, the renewed 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 now been satisfied. Accordingly, the request to revive the international application with respect to the U.S. is appropriately granted.

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

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

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31 JUL 2009

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of EFIMOV et al.	:	
Application No.: 12/518,343	:	DECISION ON
PCT No.: PCT/US07/23836	:	
Int. Filing: 13 November 2007	:	PETITION TO REVIVE
Priority Date: 13 November 2006	:	
Attorney Docket No.:3765.04WOUS	:	UNDER 37 CFR 1.137(b)
For: CARDIAC PACING USING THE INFERIOR NODAL EXTENSION	:	

The petition to revive under 37 CFR 1.137(b) filed 09 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
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30 JUL 2009

50818
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

In re Application of :
STEMMLE, Denis J. :
U.S. Application No.: 12/518,385 :
PCT No.: PCT/US2006/012861 :
Int. Filing Date: 07 April 2006 :
Priority Date: 07 April 2005 :
Docket No.: P35464 :
For: MAIL SORTER FOR SIMULTANEOUS SORTING USING MULTIPLE ALGORITHMS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 09 June 2009 is hereby **GRANTED** as follows:

The appropriate fees and the petition fee 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 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

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March 29, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Keijiro Shiode et al.	:	PARTICIPATE IN PATENT
Serial No. 12/518,437	:	PROSECUTION HIGHWAY
Filed: June 10, 2009	:	PROGRAM AND
For: APPARATUS AND PROCESS FOR	:	PETITION TO MAKE SPECIAL
PRODUCTION OF NANOBUBBLE LIQUID	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed February 26, 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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05 AUG 2009

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GREENBLUM & BERNSTEIN
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of	:	
STEMMLE	:	DECISION ON
Application No.: 12/518,543	:	
PCT APP. NO.: PCT/US06/12888	:	
Filing Date: 07 April 2006	:	PETITION UNDER
Priority Date: 07 April 2005	:	
Attorney's Docket No.: P36786	:	
For: SYSTEM FOR RESPONDING TO FULFILLMENT ORDERS	:	37 CFR 1. 137(b)

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

Applicant's statement that "the entire delay, from the due date for entering the U.S. National Phase until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee of $330 has now been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
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Facsimile: (571) 273-0459

11 AUG 2009

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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

In re Application of	:	
LARK, Peter, et al.	:	
Application No.: 12/518,570	:	
PCT No.: PCT/GB2007/001891	:	DECISION
Int. Filing Date: 23 May 2007	:	
Priority Date: 23 May 2006	:	
Attorney's Docket No.: W004 P01275-US1	:	
For: ELECTRICAL BARRIER	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 10 June 2009.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

Further, a petition is not required to add applicant's claim to the earlier United States application. It was included in the application data sheet. MPEP 1893.03(d).

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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13 MAY 2010

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29157
K&L GATES LLP
P.O. Box 1135
Chicago, IL 60690

In re Application of
GUGERLI *et al*
U.S. Application No.: 12/518,675
PCT No.: PCT/EP2007/063391
Int. Filing Date: 06 December 2007
Priority Date: 11 December 2006
Attorney Docket No.: 3712036-00985
For: DEVICE AND METHOD FOR PRODUCING A FROTHED LIQUID FROM SOLUBLE INGREDIENTS AND DILUENT

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed in the United States Designated/Elected Office (DO/EO/US) on 19 January 2010.

BACKGROUND

On 16 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. Applicants were given two months to respond with extensions of time available.

On 19 January 2010, applicants filed a response which was accompanied by, *inter alia*, the subject petition; a declaration signed by seven of the eight named inventors; a $130.00 surcharge fee; a statement by Ms. Marie Ducreux; Exhibits A - D; and authorization to charge any required fees to Deposit Account No. 02-1818.

On 31 March 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 19 January 2010.

DISCUSSION

Applicants claim that one of the inventors (Raphael GUGERLI) refuses to cooperate and have filed a petition under 37 CFR 1.47(a) in response to the Form

PCT/DO/EO/905.[1]

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicants completed items (1) and (4) with the subject petition[2].

Regarding item (2), applicants claim that the nonsigning inventor's conduct constitutes a refusal to cooperate. Applicants included a statement of facts by Ms. Ducreaux and documentary evidence (Exhibits A - E) in support of the petition.

The Office does not accept documents in a foreign language as evidence without an accompanying English translation. Exhibits A, B and D require an English translation to be considered.

Second, MPEP § 409.03(d) II requires that a complete copy of the application be presented to the nonsigning inventor for a refusal to cooperate be accepted. Here, the 37 CFR 1.47(a) applicants have not provided any evidence showing that a complete copy of the application, including specification, claims and drawings was presented to the nonsigning inventor. The statement of facts by Ms. Ducreaux states that only an Assignment and Declaration were provided to the nonsigning inventor.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

With regards to item (3), the last known address was purportedly included in Exhibit D (according to paragraph 7 of the statement of facts by Ms. Ducreaux). Exhibit D is a copy of an email which is in a foreign language and is unacceptable. Applicants must provide the last known address of the nonsigning inventor in any renewed petition. *See* MPEP § 409.03(e).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

---

[1] The evidence presented by petitioners does not suggest that they cannot locate Mr. GUGERLI. If this is incorrect, petitioners should make this claim directly in any renewed petition under 37 CFR 1.47(a). *See* MPEP § 409.03(d)(I).

[2] The $200.00 fee for a petition under 37 CFR 1.47 has been charged to Deposit Account No. 02-1818 as authorized. A declaration signed by seven of the eight named inventors was submitted. The declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

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

The Form PCT/DO/EO/903 and filing receipt mailed 31 March 2010 were sent in error, and are hereby **VACATED**.

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

James Thomson
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Office of PCT Legal Administration

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UNITED STATES PATENT and TRADEMARK OFFICE

11 AUG 2009

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P.O. BOX 10395
CHICAGO IL 60610

In re Aplication of	:	DECISION ON
Xu et al	:	
Application No: 12/518,731	:	
PCT No.: PCT/CN2007/071213	:	
Int. Filing Date: 11 December 2007	:	PETITION UNDER
Priority Date: 11 December 2006	:	
Attorney's Docket No.: 13742-64	:	
For: APPARATUS AND METHOD...	:	
ELECTRIC VEHICLES	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a) FOR NON-SIGNING INVENTOR" filed on 11 June 2009.

BACKGROUND

On 11 December 2007, petitioner filed international application PCT/CN2007/071213, which claimed priority to an earlier application filed 11 December 2006. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 19 June 2008.

On 11 June 2009, petitioner filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee and executed declaration without the signatures of three (3) out of the seven (7) joint inventors.

Petitioner also filed the present petition, a declaration in support of filing on behalf of omitted joint inventors. The executed declaration is signed by Xuguang ZHOU, Xiaochua TANG, Nan LIU and Guangming YANG on their behalf and on the behalf of the nonsigning joint inventors Yingwu XU, Jian GONG, and Ming YU.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

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

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **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.
>
> 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.

Petitioner has satisfied requirements (1) and (3) - (4) of 37 CFR 1.47(a) but not requirement (2).

Regarding item (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding requirement (2), in this case, it has not been sufficiently demonstrated that a copy of the application papers were presented to the non-signing inventors, Jian GONG, Yingwu XU and Ming YU because petitioner only sent them by email (as stated by petitioner they were

again mailed on June 5th and 7th but it is unclear when was the first time emailed) and the application papers do not appear to have been forwarded to non-signing joint inventors last known addresses.

Although documentary evidence to support petitioner's assertion has been provided such as the emails, the documents are in Chinese and no English translations have been provided. Consequently, it is unclear what is said in these documents.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

If the joint inventors do not currently reside in the last know addresses, then petitioner is under an obligation to try to find or reach them. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**. For example, petitioner has not shown that he has searched for the above non-signing inventors' new addresses by using a broad search in the internet and by using a phone director to try to locate them.

Regarding item 3, petitioner has provided a statement of the last known addresses of the missing inventor.

Shanghai BYD Co., Ltd.
No. 999, Xiangjing Road
Songjiang, Shanghai 201611
P.R. China

Regarding item 4, an executed declaration has been filed signed by by Xuguang ZHOU, Xiaochua TANG, Nan LIU and Guangming YANG on their behalf and on the behalf of the nonsigning joint inventors Yingwu XU, Jian GONG, and Ming YU.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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UNITED STATES PATENT and TRADEMARK OFFICE

21 OCT 2009

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CHICAGO IL 60610

In re Aplication of	:	DECISION ON
Xu et al	:	
Application No: 12/518,731	:	
PCT No.: PCT/CN2007/071213	:	
Int. Filing Date: 11 December 2007	:	PETITION UNDER
Priority Date: 11 December 2006	:	
Attorney's Docket No.: 13742-64	:	
For: APPARATUS AND METHOD...	:	
ELECTRIC VEHICLES	:	37 CFR 1.47(a)

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a) AND SUBMISSION OF COMPLETE DECLARATION" submitted on 21 August 2009.

BACKGROUND

The decision by this Office dated 11 August 2009 indicated that requirement (2) had not been satisfied.

On 21 August 2009, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by co-inventors Yingwu XU, Jian GONG and Ming YU.

DISCUSSION

The renewed petition has included an executed declaration signed by co-inventors Yingwu XU, Jian GONG and Ming YU. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 21 August 2009 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **21 August 2009.**

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PCT Legal Examiner
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UNITED STATES PATENT AND TRADEMARK OFFICE

01 SEP 2009

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Patent Central LLC
Stephan A. Pendorf
1401 Hollywood Boulevard
Hollywood FL 33020

In re Application of :
BADWAN et al. :
Application No.: 12/518,742 : DECISION ON PETITION
PCT No.: PCT/EP2007/010611 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 December 2007 :
Priority Date: 11 December 2006 :
Attorney Docket No.: 3524.029 :
For: URINARY :
IMMUNOCHROMATOGRAPHIC
MULTIPARAMETER DETECTION CUP

The petition to revive under 37 CFR 1.137(b) filed 24 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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United States Patent and Trademark Office

16 OCT 2009

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PATENT CENTRAL LLC
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In re Application of :
Badwan et al. :
Application No. 12/518,746 :
PCT No.: PCT/EP2007/010621 :
Int. Filing Date: 06 December 2007 : DECISION
Priority Date: 11 December 2006 :
Att. Docket No.: 3524.030 :
For: Antigen Detection Method Involving An :
Oligonucleotide Enhanced Colloidal Gold.. :

The petition to revive under 37 CFR 1.137(b) filed on 13 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
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UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2009

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In re Application of BADWAN et al :
U.S. Application No.: 12/518,748 :
PCT Application No.: PCT/EP2007/010620 :
Int. Filing Date: 06 December 2007 :
Priority Date Claimed: 11 December 2006 : DECISION
Attorney Docket No.: 3524.031 :
For: RAPID IMMUNOCHROMATOGRAPHIC :
DETECTION BY AMPLIFICATION OF THE :
COLLOIDAL GOLD SIGNAL :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 13 August 2009.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/EP2007/010620, which claimed priority of an earlier European Patent Office application filed 11 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 19 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 11 June 2009.

On 11 June 2009, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). However, the submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 June 2009, international application PCT/EP2007/010620 became abandoned as to the United States for failure to timely pay the basic national fee.

On 13 August 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
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PCT Legal Office

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0 1 SEP 2009

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In re Application of :
BADWAN et al. :
Application No.: 12/518,752 : DECISION ON PETITION
PCT No.: PCT/EP2007/010627 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 December 2007 :
Priority Date: 11 December 2006 :
Attorney Docket No.: 3524.032 :
For: RAPID IMMUNOCHROMATOGRAPHIC DETECTION BY AMPLIFICATION OF THE COLLOIDAL GOLD SIGNAL :

The petition to revive under 37 CFR 1.137(b) filed 24 August 2009 in the above-captioned application is hereby GRANTED as follows:

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

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

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

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In re Application of BADWAN et al :
U.S. Application No.: 12/518,758 :
PCT Application No.: PCT/EP2007/010610 :
Int. Filing Date: 06 December 2007 :
Priority Date Claimed: 11 December 2006 : DECISION
Attorney Docket No.: 3524.034 :
For: RAPID IMMUNOCHROMATOGRAPHIC :
DETECTION BY AMPLIFICATION OF THE :
COLLOIDAL GOLD SIGNAL :

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 24 August 2009.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/EP2007/010610, which claimed priority of an earlier European Patent Office application filed 11 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 19 June 2008. The thirty-month period for paying the basic national fee in the United States expired on 11 June 2009.

On 11 June 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 12 June 2009, international application PCT/EP2007/010610 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 August 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

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PCT Legal Examiner
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29 SEP 2009

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In re Application of	:	
BADWAN, Adnan, et al.	:	
Application No.: 12/518,760	:	
PCT No.: PCT/EP2007/010609	:	
Int. Filing Date: 06 December 2007	:	DECISION
Priority Date: 11 December 2006	:	
Attorney's Docket No.: 3524.035	:	
For: RAPID IMMUNOCHROMATOGRAPHIC DETECTION BY AMPLIFICATION OF THE COLLOIDAL GOLD SIGNAL	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 24 August 2009.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

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PCT Legal Administration

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2 8 AUG 2009

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In re Application of :
BADWAN et al. :
Application No.: 12/518,762 : DECISION ON PETITION
PCT No.: PCT/EP2007/010626 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 December 2007 :
Priority Date: 11 December 2006 :
Attorney Docket No.: 3524.036 :
For: RAPID IMMUNOCHROMATOGRAPHIC DETECTION BY AMPLIFICATION OF THE COLLOIDAL GOLD SIGNAL :

The petition to revive under 37 CFR 1.137(b) filed 24 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the 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 applicants have submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2009

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In re Application of: BADWAN, Adnan, et al.
U.S. Application No.: 12/518,764
PCT No.: PCT/EP2007/010630
International Filing Date: 06 December 2007
Priority Date: 11 December 2006
Atty Docket No.: 3524.037
For: RAPID IMMUNE CHROMATOGRAPHIC DETECTION BY AMPLIFICATION OF THE COLLOIDAL GOLD SIGNAL

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 24 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 11 June 2009 based on applicants' failure 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 payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a "Notification Of Missing Requirements" (Form PCT/DO/EO/905). It is noted that applicants have not submitted an executed oath or declaration in compliance with 37 CFR 1.497.

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UNITED STATES PATENT AND TRADEMARK OFFICE

16 JUL 2010

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HENRICKS SLAVIN AND HOLMES LLP
SUITE 200
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EL SEGUNDO, CA 90245

In re Application of LYND et al	:	
U.S. Application No.: 12/518,878	:	
PCT Application No.: PCT/NZ2007/000364	:	
Int. Filing Date: 13 December 2007	:	DECISION
Priority Date Claimed: 20 December 2006	:	
Attorney Docket No.: 010200-146	:	
For: ANIMAL TAG APPLICATOR AND TAGS THEREFOR	:	

This is in response to applicant's correspondence filed 05 November 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 December 2007, applicant filed international application PCT/NZ2007/000364, which claimed priority of an earlier New Zealand application filed 20 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 22 June 2009.

On 11 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 26 October 2009, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which indicated 20 June 2009 as the date of completion of all 35 U.S.C. 371 requirements.

On 05 November 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the date of completion of all 35 U.S.C. 371 requirements should be 11 June 2009. The date of completion is determined in accordance with MPEP 1893.03(b). In the present case, applicant made an express request to begin early national stage processing in the transmittal letter (Form PTO-1390) filed on 11 June 2009. Also on 11 June 2009, the required declarations and fees were submitted. Therefore, the date of completion of all 35 U.S.C. 371 requirements is 11 June 2009.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 26 October 2009 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 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, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate 11 June 2009 as the date of completion of all 35 U.S.C. 371 requirements.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

United States Patent and Trademark Office

1 2 AUG 2009

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of :
Doty et al. :
Application No. 12/518,946 :
PCT No.: PCT/US2007/085040 :
Int. Filing Date: 18 November 2007 : DECISION
Priority Date: 08 December 2006 :
Atty. Docket No.: DOTY.P-045-USNP :
For: Improved NMR CryoMAS Probe For :
High-Field Wide-Bore Magnets :

This is in response to petition under 37 CFR 1.137(a) filed on 12 June 2009.

BACKGROUND

International application PCT/US2007/085040 was filed on 18 November 2007, claimed an earlier priority date of 08 December 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 June 2009. This international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee.

DISCUSSION

Petition Under 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by

(1) The reply required to the outstanding Office action or notice, unless previously filed;

(2) The petition fee as set forth in § 1.17(l);

(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and

(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Regarding requirement (1), the "required reply" in the form of the basic national fee has been filed, satisfying requirement (1).

Concerning requirement (2), the petition fee has been paid.

Regarding requirement (3), petitioner presents a statement signed by Shannon Poissonnier, who states that she has reviewed paper docketing records for 08 June 2009 and 09 June 2009, and "the present file is not listed there." She further indicates that she "misinterpreted the listed due date" in a computerized docketing system. However, it is not clear how her misinterpretation represents "unavoidable" delay, rather than mere "unintentional" delay. Petitioner has not adequately demonstrated that Ms. Possonnier is such a reliable employee that a mistake on her part reflects unavoidable delay. In addition, her statement indicates that the paper docket records were maintained by others (Kendel Vaille until 18 May 2009, and an unnamed employee thereafter), but petitioner has not provided first-hand statements by either of these employees regarding the failure to docket the application for national stage entry. It is not clear from the evidence presented that petitioner had adequate procedures in place to prevent the type of delay in question, and that the individual(s) who committed the error were sufficiently trained and experienced in the implementation of any such procedures. *See* MPEP 711.03(c). In addition, inspection of the provided docket sheets reveals that they do not appear to clearly refer to the instant application number, and it is not clear how due dates for response (if any) are/would be recorded thereon. Petitioner also has not provided copies of computerized docket records for this application. As such, it is unclear whether docketing error in fact gave rise to "unavoidable" delay in filing the basic national fee. For these reasons, it would not be appropriate to conclude that requirement (3) has been satisfied, on the basis of the present record. Petitioner may wish consider petitioning for relief under 37 CFR 1.137(b).

With respect to item (4), no terminal disclaimer is required.

DECISION

The petition under 37 CFR 1.137(a) is **DISMISSED**, without prejudice.

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

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

19 OCT 2009

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Oppedahl Patent Law Firm LLC
P O Box 5940
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In re Application of :
Doty et al. :
Application No. 12/518,946 :
PCT No.: PCT/US2007/085040 :
Int. Filing Date: 18 November 2007 : DECISION
Priority Date: 08 December 2006 :
Atty. Docket No.: DOTY.P-045-USNP :
For: Improved NMR CryoMAS Probe For :
High-Field Wide-Bore Magnets :

The petition to revive under 37 CFR 1.137(b) filed on 13 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The declaration filed on 16 June 2009 is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b), but payment of the surcharge under 37 CFR 1.492(h) is required.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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OFFICE OF PETITIONS

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of :
Doty, et al. :
Application No. 12/518,946 : ON PETITION
Filed: June 12, 2009 :
Attorney Docket No. **DOTY.P-045-USNP**

This is a decision on the petition filed April 2, 2010, under 37 CFR 1.182 to change the order of the inventors cited on this application in USPTO records.

The petition is **dismissed.**

The supplemental Application Data Sheet filed April 2, 2010, is not proper because it does not indicate that it is a supplemental ADS as required by 37 CFR 1.76(c)(2). It is noted that 37 CFR 1.76(c) provides:

> c) *Supplemental application data sheets.* Supplemental application data sheets:
>
> (1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and
>
> (2) Must be titled "Supplemental Application Data Sheet," include all of the section headings listed in paragraph (b) of this section, include all appropriate data for each section heading, and must identify the information that is being changed, preferably with underlining for insertions, and strike-through or brackets for text removed.

The renewed petition must be accompanied by an Application Data Sheet that is titled, "Supplemental Application Data Sheet" in accordance with section 37 CFR 1.76(c)(2) cited above."

NO ADDITIONAL FEES ARE DUE.

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

In re Application No. 12/518,946

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
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.
12/518,946	06/12/2009	F. David Doty	DOTY.P-045-USNP	9222

57380 7590 06/24/2010

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER	
ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
06/24/2010	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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of
DOTY et al.
Application No.: 12/518,946
Filed: 12 June 2009
Attorney Docket No.: DOTY.P-045-USNP
For: NMR CRYOMAS PROBE FOR HIGH-FIELD WIDE-BORE MAGNETS

: 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 09 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

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VALLEY FORGE PA 19482

MAIL

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
TSUKIO, YASUNOBU
Application No. 12/519,006
Filed: June 12, 2009
Attorney Docket No. **MAT-10279US**

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 12, 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:

There is no statement that the translation of the Japanese Office action and claims are accurate.

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

Any response to this decision must be submitted via EFS-web.

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

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

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TECHNOLOGY CENTER 2600

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of
TSUKIO, YASUNOBU, et al.
Application No. 12/519,006
Filed: June 12, 2009
Attorney Docket No. **MAT-10279US**

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 September 10, 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

14 AUG 2009

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JAMES REMENICK
NOVAK DRUCE & QUIGG, LLP
1300 I STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

In re Application of	:	
Ettmer	:	
Application No. 12/519,076	:	
PCT No.: PCT/DE2007/002115	:	
Int. Filing Date: 16 November 2007	:	DECISION
Priority Date: 16 November 2006	:	
Att. Docket No.: 9015.003.US0000	:	
For: Penis Extension System Integrated Into An Item Of Clothing	:	

The petition to revive under 37 CFR 1.137(b) filed on 12 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an English translation of the international application and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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14 AUG 2009

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Robin W. Reasoner
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW CA 94041

In re Application of	DECISION ON
David S. Graham	
Application No.: 12/519,151	
PCT No.: PCT/US2007/061007	
Int. Filing Date: 24 January 2007	PETITION UNDER
Priority Date: 21 November 2006	
Attorney's Docket No.: 25523-12091	
For: Optical Power Beaming to Electrically Powered Devices	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 12 June 2009.

BACKGROUND

On 24 January 2007, this international application was filed, claiming an earliest priority date of 21 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 21 May 2009. This international application became abandoned with respect to the United States at midnight on 21 May 2009 for failure to pay the required basic national fee.

On 12 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. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **12 June 2009.**

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

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06 AUG 2009

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William H. Dippert
Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh PA 15219

In re Application of KARP et al.	:	
Application No.: 12/519,243	:	DECISION ON
PCT No.: PCT/IL07/01508	:	
Int. Filing: 06 December 2007	:	PETITION TO REVIVE
Priority Date: 07 December 2006	:	
Attorney Docket No.:298856-00202	:	UNDER 37 CFR 1.137(b)
For: SYSTEM AND METHOD FOR MONITORING HEALTH OF STRUCTURAL JOINTS	:	

The petition to revive under 37 CFR 1.137(b) filed 15 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

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

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10 DEC 2009

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DRINKER BIDDLE & REATH LLP
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of	:	
SHIRAI, et al.	:	
Application No.: 12/519,437	:	
PUT No.: PCT/JP2007/074400	:	DECISION ON PETITION
Int. Filing Date: 19 December 2007	:	
Priority Date: 19 December 2006	:	UNDER 37 CFR 1.42
Attorney Docket No.: 202371-0002-00-US	:	
For: THERAPEUTIC COMPOSITION FOR INTERSTITIAL PNEUMONIA	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 19 December 2007, applicant filed international application PCT/JP2007/074400 which claimed priority of an earlier application filed 19 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 June 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 June 2009.

On 16 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application; a First Preliminary amendment; an Application Data Sheet and an Information Disclosure Statement.

On 11 August 2009, applicant filed an executed, combined declaration and power of attorney.

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."

In addition to being signed by the inventors listed on the published international application, the declaration submitted on 11 August 2009 was executed by Ayako Mizushima as legal representative to the estate of the deceased inventor, Yutaka Mizushima. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, while the declaration provides the citizenship, residence, and mailing address of the signing legal representative; the declaration does not list the citizenship of the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)(3).

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

23 FEB 2010

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of :
SHIRAI, et al. :
U.S. Application No. 12/519,437 :
PCT No.: PCT/JP2007/074400 : DECISION REGARDING
Int. Filing Date: 19 December2007 : SUBMISSION UNDER 37 CFR 1.42
Priority Date: 19 December 2006 :
Attorney Docket No.: 202371-0002-00-US :
For: THERAPEUTIC COMPOSITION FOR :
INTERSTITIAL PNEUMONIA :

In a decision mailed by this Office on 10 December 2009, the declaration filed by applicant on behalf of deceased inventor Yutaka Mizushima was dismissed for failure to provide a compliant oath or declaration under 37 CFR 1.497.

On 05 February 2010, applicant filed a response to the previous decision that was accompanied by a revised declaration. The declaration submitted on 05 February 2010 identifies the deceased inventor and states the deceased inventor's country of citizenship, is signed by Ayako Mizushima as "Legal Representative," states his/her relationship to the deceased (i.e., Legal Representative), provides the Legal Representative's country of citizenship and residency and lists all of the joint inventors on the application. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is GRANTED.

The application has an international filing date of 19 December 2007 under 35 U.S.C. 363 and will be given a date of **05 February 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

0 7 AUG 2009

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

In re Application of MUCI et al :
U.S. Application No.: 12/519,518 :
PCT Application No.: PCT/US2007/017191 :
Int. Filing Date: 31 July 2007 : DECISION
Priority Date Claimed: 01 August 2006 :
Attorney Docket No.: 09367.0165-00000 :
For: CERTAIN CHEMICAL ENTITIES, :
COMPOSITIONS AND METHODS :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 16 June 2009.

BACKGROUND

On 31 July 2007, applicant filed international application PCT/US2007/017191, which claimed priority of an earlier United States application filed 01 August 2006. The thirty-month period for paying the basic national fee in the United States expired on 02 February 2009 (01 February 2009 was a Sunday).

On 03 February 2009, international application PCT/US2007/017191 became abandoned as to the United States for failure to timely pay the basic national fee.

On 16 June 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

UNITED STATES PATENT AND TRADEMARK OFFICE

25 JAN 2010

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22850
OBLON, SPIVAK, MACCLELLAND MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

In re Application of :
EMOTO *et al* :
U.S. Application No.: 12/519,525 :
PCT No.: PCT/JP2007/070849 :
Int. Filing Date: 25 October 2007 : **DECISION**
Priority Date: 28 December 2006 :
Attorney Docket No.: 343450US0PCT :
For: PRODUCTION METHOD OF :
ALPHA-OLEFIN LOW POLYMER AND :
STORAGE METHOD OF PYRROLE :
COMPOUND :

This is a decision on the petition filed 24 November 2009.

BACKGROUND

On 17 June 2009, applicants filed papers to enter the national stage of PCT/JP2007/070849 which was accompanied by, *inter alia*, a declaration executed by two inventors, Hiroki EMOTO and Kazuyuki YOKOYAMA.

On 30 October 2009, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) indicating that the application completed all 35 U.S.C. 371 requirements on 17 June 2009.

On 24 November 2009, applicants filed the subject petition which was accompanied by, *inter alia*, a statement by the inventor being added; a processing fee; a written consent of the assignee; and a certification under 37 CFR 3.73(b).

DISCUSSION

Applicants request to add Kazuyuki YOKOYAMA as an inventor in the above-captioned application pursuant to 37 CFR 1.497(d). The international publication ("WO 2008/081644") lists Hiroki EMOTO as the sole inventor. There is no indication of a change in the inventors pursuant to PCT Rule 92 *bis* in the international application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

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

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed a statement by the inventor being added that the error in inventorship occurred without any deceptive intent. The processing fee of $130.00 has been paid. A consent of assignee signed by Yoshimisu KOBAYASHI as President of Mitsubishi Chemical Corporation was provided. This position is presumed to have the authority to sign for a corporation. *See* MPEP § 324. The reel and frame number of the assignment were provided. All the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) to add Kazuyuki YOKOYAMA as an inventor is **GRANTED**.

The declaration filed 17 June 2009 is in compliance with 37 CFR 1.497(a) & (b).[1]

This application is being forwarded to Group Art Unit 1797 for examination.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The Form PCT/DO/EO/903 and filing receipt mailed 30 October 2009 should not have been mailed prior to this decision granting applicants' petition to add an inventor. Nonetheless, the information contained on the Form PCT/DO/EO/903 and filing receipt is now correct. As such, no action will be take in that regard.

UNITED STATES PATENT AND TRADEMARK OFFICE

04 AUG 2009

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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

In re Application of	:	
WRANGBERTH, et al.	:	
U.S. Application No.: 12/519,710	:	DECISION ON PETITION
PCT No.: PCT/EP2007/009801	:	
Int. Filing Date: 13 November 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 06 December 2006	:	
Attorney Docket No.: ABE-45523	:	
For: DRAWER DISHWASHER	:	

The petition to revive under 37 CFR 1.137(b) filed 17 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
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16 SEP 2009

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GE HEALTHCARE, INC.
IP DEPARTMENT 101 CARNEGIE CENTER
PRINCETON NJ 08540-6231

In re Application of :
Steel et al. :
Application No.: 12/519,816 :
PCT No.: PCT/US2007/088363 :
Int. Filing Date: 20 December 2007 : DECISION
Priority Date: 21 December 2006 :
Attorney Docket No.: PH0743 :
For: Nucleophilic Radiofluorination :
Using Microfabricated Devices :

This is in response to the declaration filed on 18 June 2009.

BACKGROUND

This international application was filed on 20 December 2007, claimed an earliest priority date of 21 December 2006, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 21 June 2009. Applicants filed *inter alia* the basic national fee on 18 June 2009.

On 09 September 2009, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants, indicating a 35 U.S.C. 371(c)(1), (2) and (4) date of "06/18/2009."

DISCUSSION

On 18 June 2009, counsel filed two declaration documents made on a form for declarations under PCT Rule 4.17(iv). Inspection of the document signed by Stefan Riese reveals that it included un-initialed alterations of his residence and mailing address information. As such, it would not be appropriate to accept the declaration for purposes of compliance with 37 CFR 1.497(a) and (b). A new declaration naming the entire inventive entity and executed by Mr. Riese is required. Since the declaration was not properly acceptable, 35 U.S.C. 371(c)(4) has not been satisfied. Accordingly, the Filing Receipt and Notice of Acceptance mailed on 09 September 2009 were mailed in error, and both are hereby **VACATED**.

DECISION

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

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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March 11, 2010 BC

In re application of	:	DECISION ON REQUEST TO
Stephane Levasseur et al.	:	PARTICIPATE IN PATENT
Serial No. 12/519,853	:	PROSECUTION HIGHWAY
Filed: June 18, 2009	:	PROGRAM AND
For: SYNTHESIS OF CRYSTALLINE	:	PETITION TO MAKE SPECIAL
NANOMETRIC LIFEPO4	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed December 21, 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 EPO;

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

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

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

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s)
containing the allowable/patentable claim(s) along with an English translation thereof and a
statement that the English translation is accurate;

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

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

The request to participate in the PPH 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

25 JUN 2009

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Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
Fairfax, VA 22038-1364

In re Application of :
YU et al. :
Application No.: 12/519,982 : DECISION ON PETITION
PCT No.: PCT/CN2007/071200 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 06 December 2007 :
Priority Date: 07 December 2006 :
Attorney Docket No.: 3624/0349PUS1 :
For: RANDOM VOICEPRINT CERTIFICATION SYSTEM, RANDOM VOICEPRINT CIPHER LOCK AND CREATING METHOD THEREFOR :

The petition to revive under 37 CFR 1.137(b) filed 18 June 2009 in the above-captioned application is hereby GRANTED as follows:

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,002	06/18/2009	Vincenzo Piccolo	343572US6X PCT	6933

22850 7590 03/19/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
03/19/2010	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):

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

Applicant: Piccolo et al.
Appl. No.: 12/520,002
Filing Date: June 18, 2009
Title: MODULAR REACTOR FOR EXOTHERMIC/ENDOTHERMIC CHEMICAL REACTIONS
Attorney Docket No.: 343572US6X PCT
Pub. No.: US 2010/0016455 A1
Pub. Date: January 21, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 16, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/19/2010 KKING1
03/16/2010 INTEFSW 00007232 12520002
01 FC:1504 -300.00 DP

Refund Ref:
03/19/2010 0030081341

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1009

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29 APR 2010

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MOORE & VAN ALLEN PLLC
P.O. BOX 13706
430 Davis Drive
Research Triangle Park, NC 27709

In re Application of	:	DECISION ON
VISINTIN et al	:	
Application No: 12/520,121	:	
PCT No.: PCT/US2007/088644	:	PETITION UNDER
Int. Filing Date: 21 December 2007	:	
Priority Date: 21 December 2006	:	
Attorney's Docket No.: 020732-553-835 CIP PCT US	:	
For: LIQUID CLEANER FOR THE REMOVAL OF POST-ETCH RESIDUES	:	37 CFR 1.47(a)

This is in response to the "PETITION WHEN JOINT INVENTOR REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED (37 C.F.R. 1.47(a))" filed on 08 February 2010.

BACKGROUND

On 21 December 2007, applicants filed international application PCT/US2007/088644, which claimed priority to an earlier application filed 21 December 2006.

On 19 June 2009, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 08 October 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by the International application number and international filing date." The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 08 February 2010, petitioner filed the instant petition under 37 CFR 1.47(a), which included, *inter alia*, an executed Declaration without the signature of one of the co-inventors, i.e., without the signature of Kristin A. FLETCHER.

On 23 March 2010, the United States Designated/Elected Office (DO/EO/US) erroneously mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903), which indicated a date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 February 2010.

DISCUSSION

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

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 statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has satisfied requirements (1), (3), and (4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (1), petitioner has provided the petition fee.

Regarding requirement (2), the averments of Mr. David M. Shoof are insufficient to support a finding that the nonsigning co-inventor, Kristin A. Fletcher, could not be found after diligent effort. The petition states that Tristan A. Fuierer contacted co-inventor on December 1, 2009 at an address thought to be current but the documents were return indicating "Unable to Forward" and on December 21, 2009 she tried again to contact co-inventor at an address thought to be then the current but to no avail. Finally, on January 8, 2010 Fuierer called where Kristin was thought to be employed and left a message but the call was not returned. However, petitioner has provided no proof that they tried to locate Ms. Flecther's new address by doing an internet search in **www.yahoo.com**, **www.google.com** and an internet telephone directory search in Colorado. Also, it is unclear what current address was the documents mailed to since it has not been stated in the declaration. Moreover, although Fuierer call the Chemistry Department at the US Air Force Academy, it does not appear that Ms. Fuierer contacted co-workers and the employer (human resources) to find out if Ms. Fletcher left a forwarding address.

Finally, if Mr. Shofi was not the person who performed the actions listed, who mailed the application papers and called the Air Force Academy, then petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts. It appears that it was Ms. Tristan A. Fuierer, who performed these actions and if so, then a summary by her is needed.

Accordingly, at this time it can not be concluded that the nonsigning co-invnetor Ms. Fletcher could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing co-inventor.

Kristina A. Fletcher
2860 Lennox Point- #9
Colorado Springs, CO 80920

Regarding requirement (4), petitioner has a provided a properly executed composite declaration.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

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

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) mailed on 08 February 2010 is **VACATED** with the mailing with this decision.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2009

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RICHARD M. GOLDBERG
25 EAST SALEM STREET
SUITE 419
HACKENSACK, NJ 07601

In re Application of ALSINA VILAMALA
U.S. Application No.: 12/520,148
PCT Application No.: PCT/ES2007/000105
Int. Filing Date: 27 February 2007
Priority Date Claimed: 28 February 2006
Attorney Docket No.: 229/1/094
For: SEMI-MINERAL PAINT COMPOSED OF THREE AGGLUTINANTS OR FILM-FORMING AGENTS

DECISION

This is in response to applicant's petition under 37 CFR 1.137(b) filed 19 June 2009.

BACKGROUND

On 27 February 2007, applicant filed international application PCT/ES2007/000105, which claimed priority of an earlier Spain application filed 28 February 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 07 September 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 August 2008.

On 29 August 2008, international application PCT/ES2007/000105 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 June 2009, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

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

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

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

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 27 February 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

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.
12/520,234	06/19/2009	Tomonori Sumi	740675-94	8283

78198 7590 03/10/2010

Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

EXAMINER	
ASSOUAD, PATRICK J	
ART UNIT	**PAPER NUMBER**
2858	

MAIL DATE	DELIVERY MODE
03/10/2010	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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11911 Freedom Drive, Suite 750
Reston VA 20190

In re Application of
SUMI et al.
Application No.: 12/520,234
Filed: 19 June 2009
Attorney Docket No.: 740675-94
For: MINIATURE ROTARY ENCODER

: 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 04 February 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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).

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

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

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

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

Lee W. Young
TQAS
Technology Center 2800

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21 AUG 2009

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Laurence P. Colton
SMITH, GAMBRELL & RUSSELL
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

In re Application of	:	DECISION ON
Ricardo Amaral Remer	:	
Application No.: 12/520,341	:	
PCT No.: PCT/EP2007/000343	:	
Int. Filing Date: 17 December 2007	:	PETITION UNDER
Priority Date: 15 December 2006	:	
Attorney's Docket No.: 048199.006	:	
For: SOLID AND WATER-SOLUBLE...	:	
THEREFOR, AND PROCESS...	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 19 June 2009.

BACKGROUND

On 17 December 2007, this international application was filed, claiming an earliest priority date of 15 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 15 June 2009. This international application became abandoned with respect to the United States at midnight on 15 June 2009 for failure to pay the required basic national fee.

On 19 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) 272-0459

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

In re Application of LEE et al.
Application No.: 12/520,403
PCT No.: PCT/KR06/05507
Int. Filing: 16 December 2006
Priority Date: 19 December 2005
Attorney Docket No:L69.12-0009
For: CAP ASSEMBLY WITH SECTIONAL STORAGE CHAMBER FOR SECONDARY MATERIAL

: DECISION ON
:
: PETITION UNDER
:
: 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 19 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay from the due date for payment of the National Stage filing fee until the filing of this Petition has been unintentional" has been interpreted as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

The basic national stage filing fee of $165 and the required petition fee of $810 were 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.

A review of the application file reveals that declaration, executed by the inventor and in compliance with 37 CFR 1.497(a) and (b), has been provided. The $65 surcharge for filing the declaration after the thirty month period will be charged to applicant's deposit account per his authorization.

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 19 June 2009.

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

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27367
WESTMAN CHAMPLIN & KELLY, P.A.
Suite 1400
900 Second Avenue South
Minneapolis, MN 55402

In re Application of :
LEE *et al* :
U.S. Application No.: 12/520,415 :
PCT No.: PCT/KR2006/005427 :
Int. Filing Date: 13 December 2006 : **DECISION ON**
Priority Date: 19 December 2005 : **PETITION UNDER**
Docket No.: L69.12-0010 : **37 CFR 1.137(b)**
For: PRESSURIZATION TYPE CAP ASSEMBLY HAVING STORAGE CHAMBER FOR SECONDARY MATERIAL :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 19 June 2009 is hereby **GRANTED** as follows:

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

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided. The $65.00 surcharge fee will be charged to Deposit Account No. 23-1123 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

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CST

October 2, 2009

In re application of	:	DECISION ON REQUEST TO
Jun Makihara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/520,514	:	PROSECUTION HIGHWAY
Filed: June 19, 2009	:	PROGRAM AND
For: THERMOSENSITIVE 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 June 19, 2009.

The request and petition are **DISMISSED**.

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

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

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

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

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

(5) Applicant must submit:
- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

  Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

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

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

The request to participate in the PPH program fails because:

Applicants have not submitted an IDS listing or submitted all documents cited in JPO Refusal of March 9, 2009 as required in item (6) above. A review of the JPO Dossier Access System shows these documents to be cited in the Refusal:

JP 54-128349-A
JP 2001-347757-A
JP 60-179290-A
JP 2003-154760-A
WO 2006/16506

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

November 23, 2009

In re application of	:	DECISION ON REQUEST TO
Jun Makihara et al.	:	PARTICIPATE IN PATENT
Serial No. 12/520,514	:	PROSECUTION HIGHWAY
Filed: June 19, 2009	:	PROGRAM AND
For: THERMOSENSITIVE RECORDING MEDIUM	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed November 2, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

(5) Applicant must submit:

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

(6) Applicant must submit:

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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1 2 MAR 2010

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Connolly Bove Lodge & Hutz LLP
1875 Eye Street, N.W.
Suite 1100
Washington, D.C. 20006

In re Application of :
TABOADA et al. :
Application No.: 12/520,642 : DECISION ON PETITION
PCT No.: PCT/EP2007/064018 : UNDER 37 CFR 1.181
Int. Filing Date: 17 December 2007 :
Priority Date: 21 December 2006 :
Attorney Docket No.: 13156-00267-US :
For: PROCESS AND POLYMER FOR PREVENTING BA/SR SCALE WITH A DETECTABLE PHOSPHORUS FUNCTIONALITY :

This decision is issued in response to the "Response To Notice Missing Parts of Application" filed 11 December 2009, which is treated herein as a petition under 37 CFR 1.181 to confirm the submission of a declaration in compliance with 37 CFR 1.497. No petition fee is required.

BACKGROUND

On 17 December 2007, applicants filed international application PCT/EP2007/064018 which claimed a priority date of 21 December 2006. On 03 July 2008, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for submission of the basic national fee was to expire thirty months from the priority date, i.e., 22 June 2009. (21 June 2009 was a Sunday.)

On 22 June 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and a preliminary amendment.

On 14 October 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 20 October 2009, applicants filed a declaration executed by the four joint-inventors.

On 16 November 2009, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of A Defective Oath Or Declaration (Form PCT/DO/EO/916) indicating that the declaration filed on 20 October 2009 was unacceptable under 35 U.S.C. 371(c)(4) because it did not identify the application to which it is directed.

On 11 December 2009, applicants filed the "Response To Notice Missing Parts of Application" considered herein. This submission argues that the previously filed declaration is in compliance with 37 CFR 1.497.

DISCUSSION

Section 602 of the Manual of Patent Examining Procedure (MPEP) sets forth the specific "combinations of information" required for a declaration to adequately identify the specification to which it applies. These requirements differ for declarations submitted on the application filing date or declarations filed at a later time (such as the declaration executed by the inventors and filed on 20 October 2009). Section 602 of the MPEP (subsection "Identification Of Application") states the following:

> The following combinations of information supplied in an oath or declaration filed after the filing date of the application are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:
>
> (A) application number (consisting of the series code and the serial number, e.g., 08/123,456);
>
> (B) serial number and filing date;
>
> (C) attorney docket number which was on the specification as filed;
>
> (D) title of the invention which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or
>
> (E) title of the invention which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date.

The 20 October 2009 declaration executed by the joint-inventors was accompanied by a cover letter entitled "Response to Notification of Missing Requirements." The cover letter included the application number and filing date. Additionally, the declaration included the title of invention which was set forth on the specification as filed. Therefore, the 20 October 2009 declaration adequately identified the specification to which it was directed and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicants' request under 37 CFR 1.181 is **GRANTED**.

The Notification Of Defective Response (Form PCT/DO/EO/916) mailed 16 November 2009 is hereby **VACATED**.

The application has an international filing date of 17 December 2007 under 35 U.S.C. 363 and a date of 20 October 2009 under 35 U.S.C. 371(c).

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

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

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21 AUG 2009

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THE BLACK & DECKER CORPORATION
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TOWSON MD 21286

In re Application of	:	DECISION ON
HAHN et al	:	
Application No.: 12/520,721	:	
PCT No.: PCT/EP2007/051919	:	
Int. Filing Date: 28 February 2007	:	PETITION UNDER
Priority Date: 03 March 2006	:	
Attorney's Docket No.: PR-1200	:	
For: HANDLE DAMPING SYSTEM	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 22 June 2009.

BACKGROUND

On 28 February 2007, this international application was filed, claiming an earliest priority date of 03 March 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 03 September 2008. This international application became abandoned with respect to the United States at midnight on 03 September 2008 for failure to pay the required basic national fee.

On 22 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, 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 **22 June 2009.**

Rafael Bacares
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12 AUG 2009

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of BRANTENAAR et al.	:	DECISION ON
Application No.: 12/520,743	:	
PCT No.: PCT/NL07/50632	:	PETITION UNDER
Int. Filing:07 December 2007	:	
Priority Date: 08 December 2006	:	37 CFR 1.137(b)
Attorney Docket No. : 2001-1693	:	
For: PACKAGING WITH IMPROVED REMOVING ELEMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 22 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the 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 was paid. 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. The declaration, executed by the inventors and in compliance with 37 CFR 1.497(a) and (b), was provided on 29 July 2009.

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 July 2009.

Cynthia M. Kratz
Attorney Advisor
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/520,879	06/23/2009	Tomoaki Kikuchi	B588-695 (25815.711)	1824

26272 7590 06/01/2010

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER	
ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
06/01/2010	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.

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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
KIKUCHI, TOMOAKI	:	DECISION ON REQUEST TO
Application No. 12/520,879	:	PARTICIPATE IN PATENT
Filed: June 23, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **B588-695 (25815.711)**	:	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 April 19, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The 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 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

9.24

30 JUN 2010

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GREER, BURNS & CRAIN
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25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
HERRMANN, Ralf, et al.	:	
Application No.: 12/520,890	:	
PCT No.: PCT/EP2008/050760	:	
Int. Filing Date: 23 January 2008	:	DECISION
Priority Date: 23 January 2007	:	
Attorney's Docket No.: 4404.77425	:	
For: SHELL ELEMENT AS PART OF AN AIRCRFAFT FUSELAGE	:	

This decision is in response to applicants' "Request for Refund to Deposit Account 07-2069," filed in the United States Patent and Trademark Office on 29 March 2010.

BACKGROUND

On 23 June 2009, applicants filed papers for a national phase entry of PCT/EP2008/050760, accompanied by, *inter alia*, the basic national fee and an authorization to charge any additional required fees under 37 CFR 1.492.

On 23 July 2009, applicants furnished the declaration of the inventors, the surcharge for late filing of the search fee, examination fee or oath or declaration and again authorized the Office to charge any additional fees required under 37 CFR 1.492.

On 28 October 2009, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the dates for completion of the requirements of 35 USC 371 (c)(1), (c)(2) and (c)(4) and for all requirements under 35 USC 371 were 23 July 2009.

On 29 March 2010, applicants filed a preliminary amendment and a request to refund $390 in additional claim fees.

DISCUSSION

Under 37 CFR 1.26, the Office may refund fees paid by mistake or in excess of what was due. Neither applies here. The fees were both authorized and owed. Further, the rule specifically excludes a "change of purpose," from grounds for a refund. As stated in MPEP 1893.01(c), "a subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid."

CONCLUSION

For the above reasons, applicants' petition for refund of their filing fees in the above application is **DISMISSED** without prejudice.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

12/3/09

In re Application of:
MATSUMURA, MASAFUMI
Serial No.: 12/520,966
Filed: June 23, 2009
Docket: 091619-0291
Title: ELECTRODE DEVICE AND ELECTROCARDIOGRAPHIC MEASUREMENT DE

: 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 November 20, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more 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) which was charged to the Deposit Account #19-0741 as authorized.

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

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Ms. Linda Dvorak, Art Unit 3739 at 571-272-4764.

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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0 3 AUG 2009

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Chicago, IL 60610

In re Application of :
TANG et al. :
Application No.: 12/521,032 :
PCT No.: PCT/CN2007/071334 :
Int. Filing: 26 December 2007 : DECISION ON PETITION
Priority Date: 26 December 2006 :
Attorney Docket No.: 13742-71 :
For: METHOD AND APPARATUS FOR CONTROLLING OUTPUT TORQUE OF A MOTOR FOR AN ELECTRIC VEHICLE IN DOWNHILL MODE :

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) for Non-signing Inventors" filed 24 June 2009 to accept the application without the signature of joint inventors, Yingwu Xu and Jian Gong. The requisite $200 petition fee has been submitted.

BACKGROUND

On 26 December 2007, applicants filed international application PCT/CN2007/071334, which claimed a priority date 26 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 July 2008. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 26 June 2009.

On 24 June 2009, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application

or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Yingwu Xu and Jian Gong cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to locate the nonsigning inventors, Yingwu Xu and Jian Gong. The declaration of Mingxiu Jin alleges that inventor Yingwu Xu and Jian Gong cannot be found or located, however, no documentary evidence to support the attempt(s) was provided with Mingxiu Jin's declaration. Further, the petition does not reference a mailing to the inventor's last-known (home) address, and if that mailing was returned to sender. As stated above, copies of documentary evidence such as internet searches, certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. All documents should be translated into English.

Regarding item (3) above, a clear statement of the last known address of the nonsigning inventors have not been provided. In situations where an inventor does not execute the oath or declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. (See MPEP §605.03)

For the above reasons, it would not be appropriate to accept this application without the signatures of Yingwu Xu and Jian Gong at this time.

Application No.: 12/521,032

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

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In re Application of :
TANG et al. :
Application No.: 12/521,032 :
PCT No.: PCT/CN2007/071334 :
Int. Filing: 26 December 2007 : DECISION ON PETITION
Priority Date: 26 December 2006 :
Attorney Docket No.: 13742-71 :
For: METHOD AND APPARATUS FOR CONTROLLING OUTPUT TORQUE OF A MOTOR FOR AN ELECTRIC VEHICLE IN DOWNHILL MODE :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a) and Submission of Complete Declaration" filed 21 August 2009. In a decision dated 03 August 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Yingwu Xu and Jian Gong, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 21 August 2009 with the present petition was executed by the named inventors, the previous non-signing inventors, Yingwu Xu and Jian Gong. The declaration filed 21 August 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 26 December 2007 under 35 U.S.C. 363 and a date of 21 August 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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In re Application of TANG et al	:	
U.S. Application No.: 12/521,038	:	
PCT Application No.: PCT/CN2007/071296	:	
Int. Filing Date: 21 December 2007	:	
Priority Date Claimed: 26 December 2006	:	DECISION
Attorney Docket No.: 13742-70	:	
For: APPARATUS AND METHOD FOR CONTROLLING ENERGY FEEDBACK FOR ELECTRIC VEHICLE	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 24 June 2009.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/CN2007/071296, which claimed priority of an earlier China application filed 26 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 26 June 2009.

On 24 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) and the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors, each on his/her own behalf and on behalf of the nonsigning inventors.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The petition states that inventors Ming Yu and Jian Gong cannot be reached. However, the petition does not sufficiently demonstrate that a diligent effort was made to find Yu and Gong. The petition states that petition attempted to reach Yu and Gong by email and by contacting Yu's and Gong's former employer (see affidavit of Mingxiu Jin, ¶¶ 7,10). However, the petition does not include evidence of attempts to locate Yu and Gong by sending correspondence to their last known address of record or by searching telephone and internet directories. Thus, it would not be reasonable to conclude at the present time that Yu and Gong cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventors.

CONCLUSION

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

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

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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In re Application of TANG et al	:	
U.S. Application No.: 12/521,038	:	
PCT Application No.: PCT/CN2007/071296	:	
Int. Filing Date: 21 December 2007	:	
Priority Date Claimed: 26 December 2006	:	DECISION
Attorney Docket No.: 13742-70	:	
For: APPARATUS AND METHOD FOR CONTROLLING ENERGY FEEDBACK FOR ELECTRIC VEHICLE	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 10 September 2009.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/CN2007/071296, which claimed priority of an earlier China application filed 26 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 26 June 2009.

On 24 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) and a petition under 37 CFR 1.47(a).

On 21 August 2009, this Office mailed a decision dismissing the 24 June 2009 petition.

On 10 September 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition is accompanied by a declaration executed by previously nonsigning inventors Ming Yu and Jian Gong. This declaration is improper. Specifically, it is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. It is perfectly acceptable for each inventor to execute a different copy of a declaration. However, where different copies of a declaration are executed, each complete copy that was executed (or an exact photo/electronic reproduction thereof) must be furnished. For example, if five inventors each executed a different copy of a declaration, then those five different copies (or exact photo/electronic reproductions thereof) must be submitted.

CONCLUSION

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

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

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

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In re Application of TANG et al :
U.S. Application No.: 12/521,038 :
PCT Application No.: PCT/CN2007/071296 :
Int. Filing Date: 21 December 2007 :
Priority Date Claimed: 26 December 2006 : DECISION
Attorney Docket No.: 13742-70 :
For: APPARATUS AND METHOD FOR :
CONTROLLING ENERGY FEEDBACK :
FOR ELECTRIC VEHICLE :

This is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed 10 November 2009.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/CN2007/071296, which claimed priority of an earlier China application filed 26 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 26 June 2009.

On 24 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) and a petition under 37 CFR 1.47(a).

On 21 August 2009, this Office mailed a decision dismissing the 24 June 2009 petition.

On 10 September 2009, applicant filed a renewed petition under 37 CFR 1.47(a).

On 03 November 2009, this Office mailed a decision dismissing the 10 September 2009 renewed petition.

On 10 November 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition is accompanied by a declaration executed by previously nonsigning inventors Ming Yu and Jian Gong. The submission is a proper reply to the decision mailed 03 November 2009.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 21 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 November 2009.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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CST

March 16, 2010

In re application of	:	DECISION ON REQUEST TO
Hidehiro Yoshida et al	:	PARTICIPATE IN PATENT
Serial No. 12/521,044	:	PROSECUTION HIGHWAY
Filed: June 24, 2009	:	PROGRAM AND
For: ORGANIC EL DISPLAY PANEL	:	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 15, 2010.

The request and petition are **GRANTED**.

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

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

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

(3) Applicant must:
a. Ensure all the 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

13 JUL 2009

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P.O. Box 1450
Alexandria, VA 22313-1450
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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
GRANT, et al.	:	
U.S. Application No.: 12/521,047	:	DECISION ON PETITION
PCT No.: PCT/ES07/00712	:	
Int. Filing Date: 04 December 2007	:	UNDER 37 CFR 1.137(b)
Priority Date: 05 December 2006	:	
Attorney Docket No.: TJA-219US	:	
For: BIAXIAL SOLAR TRACKER	:	

The petition to revive under 37 CFR 1.137(b) filed 24 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905).

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

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CLARK & BRODY
1090 VERMONT AVENUE, NW
SUITE 250
WASHINGTON DC 20005

6/29/09

In re Application of	:	
SAWAWATARI, NAOKI	:	DECISION ON REQUEST TO
Application No. 12/521,058	:	PARTICIPATE IN PATENT
Filed: June 24, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 12193-0011	:	PROGRAM AND PETITION
For: EDDY CURRENT TESTING METHOD, EDDY CURRENT TESTING DIFFERENTIAL COIL AND EDDY CURRENT TESTING PROBE FOR INTERNAL FINNED PIPE OR TUBE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program under 37 CFR 1.102(d), filed June 24, 2009 to make the above-identified application special.

The request 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) of $130.00 has been paid.

The request to participate in the PPH program and petition comply with the above requirements. Receipt of the requested document is acknowledged and has been entered. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Cheryl Tyler, Art Unit 3744, at 571-272-4834.

The application is in pre-exam process and will be forwarded to the examiner for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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

In re Application of	:	
WANG et al.	:	
Application No.: 12/521,059	:	DECISION
PCT No.: PCT/CN2007/071297	:	
Int. Filing Date: 21 December 2007	:	
Priority Date: 25 December 2006	:	
Attorney Docket No.: 13742-66	:	
For: HYBRID POWER OUTPUT SYSTEM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 24 June 2009 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 21 December 2007, applicants filed international application PCT/CN2007/071297, which designated the United States and claimed a priority date of 25 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 June 2009.

On 24 June 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the instant petition under 37 CFR 1.47(a), a statement of facts by Mingxiu Jin, a copy of an e-mail dated 19 June 2009 from Qiao Hao to Mingxiu Jin, and a declaration of inventors.

DISCUSSION

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

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

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

Here, it does not appear that any internet searches were conducted to find non-signing inventor Youchuan Song's current address.

CONCLUSION

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

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

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

/Daniel Stemmer/

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

- 1 FEB 2010

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P.O. BOX 10395
CHICAGO IL 60610

In re Application of	:	
WANG et al.	:	
Application No.: 12/521,059	:	DECISION
PCT No.: PCT/CN2007/071297	:	
Int. Filing Date: 21 December 2007	:	
Priority Date: 25 December 2006	:	
Attorney Docket No.: 13742-66	:	
For: HYBRID POWER OUTPUT SYSTEM	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 06 October 2009 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 21 December 2007, applicants filed international application PCT/CN2007/071297, which designated the United States and claimed a priority date of 25 December 2006. A copy of the international application was communicated from the International Bureau to the USPTO on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 June 2009.

On 24 June 2009, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the instant petition under 37 CFR 1.47(a), a statement of facts by Mingxiu Jin, a copy of an e-mail dated 19 June 2009 from Qiao Hao to Mingxiu Jin, and a declaration of inventors.

On 20 August 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided.

On 06 October 2009, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a second statement of facts from Mingxiu Jin and supporting documentation.

DISCUSSION

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

As noted in the decision mailed 20 August 2009, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Youchuan Song could not be reached after diligent effort. Copies of appropriate documentary evidence have been provided.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 June 2009**.

/Daniel Stemmer/

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

- 1 FEB 2010
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Mr. Youchuan Song
c/o BYD COMPANY LIMITED
No.999, Yan An Road
Kuichong, Longgang
Shenzhen, 518119
P.R. China

In re Application of
WANG et al.
Application No.: 12/521,059
PCT No.: PCT/CN2007/071297
Int. Filing Date: 21 December 2007
Priority Date: 25 December 2006
Attorney Docket No.: 13742-66
For: HYBRID POWER OUTPUT SYSTEM

Dear Mr. Song:

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

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

/Daniel Stemmer/

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BRINKS HOFER GILSON & LIONE
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12 APR 2010

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Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

In re Application of
JAGER
Application No.: 12/521,063
PCT No.: PCT/IB06/03820
Int. Filing Date: 27 December 2006
Priority Date: None
Attorney Docket No.:NC54483-US-PCT
For: POWER CONTROL

: DECISION ON
: DECLARATION

This application is before the Office of PCT Legal Administration for issues arising under the Patent Cooperation Treaty.

On 24 June 2009, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 11 January 2010, a Notification of Missing Requirements was mailed indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 05 February 2010, applicant filed a declaration executed by the sole inventor.

On 04 March 2010, a Notification of Acceptance was erroneously mailed to applicant because the declaration is unacceptable as it does not identify the inventor as listed on the published international application. The declaration indicates that the inventor's first name is "Michael", wherein the inventor's first name in the published international application is "Mike". Applicant has not provided a copy of the Notice of a Recording of a Change (PCT/IB/306) indicating a change in the inventor's name.

If applicant wishes that this application proceed, applicant must file a petition under 37 CFR 1.182 to correct the first name of the sole inventor. A petition fee of $400 is required.

In light of the above discussion, the 04 March 2010 Notification of Acceptance is hereby **VACATED**.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision or the time remaining under the Notification of Missing . Such response should include a cover letter entitled "Petition Under 37 CFR 1.182."

Any further correspondence with respect to this matter deposited with the United States Postal Service 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 PCT Legal Office.

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

Telephone: (571)272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

28 SEP 2009

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Chad E. Kleinheksel
WARNER NORCROSS AND JUDD
111 Lyon Street, NW
900 Fifth Third Center
Grand Rapids, MI 49503

In re Application of SLEIMAN, Joseph
Application No.: 12/521,086
PCT Application No.: PCT/CA2007/001850
Int. Filing Date: 19 October 2007
Priority Date: 20 October 2006
Attorney Docket No.: 081270.118893-0001
For: HAND LABELER

: DECISION ON
: PETITION FOR REVIVAL
: UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally - Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 24 June 2009.

BACKGROUND

On 19 October 2007, applicant filed international application PCT/CA2007/001850, which claims priority date of 20 October 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 20 April 2009. Accordingly, PCT/CA2007/001850 became abandoned at midnight on 20 April 2009 for failure to timely pay the basic national fee.

On 24 June 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been paid via electronic funds transfer.

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

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

CONCLUSION

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

The application is being forwarded to the United States Designated Elected Office (DO/EO/US) for further processing, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Richard Cole
Senior Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

15 MAR 2010

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23557
SALIWANCHIK LLOYD & SALIWANCHIK
A Professional Association
P.O. Box 142950
Gainesville, FL 32614-2950

In re Application of :
WAGTMANN *et al* :
U.S. Application No.: 12/521,105 :
PCT No.: PCT/EP2008/050306 :
Int. Filing Date: 11 January 2008 : **DECISION**
Priority Date: 11 January 2007 :
Attorney Docket No.: INN.157CXC1 :
For: ANTI-KIR ANTIBODIES, :
FORMULATIONS, AND USES :
THEREOF :

This decision is in response to applicants' "Petition Under 37 C.F.R. 1.182" filed 15 January 2010.

BACKGROUND

On 20 November 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and $130.00 surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 15 January 2010, applicants filed a petition under 37 CFR 1.182 to change the name of co-inventor, Rozana SVENSSON which was accompanied by, *inter alia*, a $130.00 processing fee, a $130.00 surcharge fee, a statement by the inventor whose name had changed, and an executed declaration.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

> The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicants have provided a statement by the inventor whose name has changed which lists both names and indicating that the change was as a result of a marriage.

The fee for a petition under 37 CFR 1.182 pursuant to 37 CFR 1.17(f) is $400.00. Applicants provided a $130.00 processing fee under 37 CFR 1.17(i). The $130.00 processing fee has been credited back to petitioners' credit card. The $400.00 fee has been charged to Deposit Account No. 19-0065 as authorized.

This is sufficient for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration listing the third-named inventor as Rozana SVENSSON and signed as Rozana STEN is acceptable. *See* MPEP 605.04(b).

The declaration filed 15 January 2010 is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to DO/EO/US for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

22 SEP 2009

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Vista IP Law Group, LLP (GN Resound)
1885 Lundy Ave. Suite 108
San Jose CA 95131

In re Application of	:	
BISGAARD	:	
U.S. Application No.: 12/521,117	:	DECISION ON PETITIONS
PCT No.: PCT/DK2007/000549	:	
Int. Filing Date: 18 December 2007	:	UNDER 37 CFR 1.137(a)
Priority Date: 21 December 2006	:	
Attorney Docket No.: GNR P1401 PCT US	:	AND 37 CFR 1.137(b)
For: HEARING INSTRUMENT WITH USER INTERFACE	:	

This decision is in response to applicant's "Petition to Revive Abandoned Application Under 37 C.F.R. § 1.137(a) as Unavoidable, or Alternatively, Under 37 C.F.R. § 1.137(b) as Unintentional" filed 24 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 18 December 2007, applicant filed international application PCT/DK2007/000549 which claimed priority to an earlier application filed 21 December 2006. A copy of the international application was transmitted to the USPTO from the International Bureau on 26 June 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 21 June 2009.

On 24 June 2009, applicant filed papers for the commencement of U.S. National stage proceedings accompanied by the present petition under 37 CFR 1.137(a) and/or 37 CFR 1.137(b).

DISCUSSION

I. Petition Under 37 CFR 1.137(a)

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in §1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary). Applicant has satisfied item (1) and (2) above; item (4) is not applicable.

Regarding item (3), the circumstances identified by applicant do not satisfy the exacting standard

applied when determining whether the cause of abandonment was unavoidable. In order for a petition under 37 CFR 1.137(a) to be granted, applicant at a minimum must provide:

(A) the error was the cause of the delay at issue;

(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and

(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

See, Manual of Patent Examining Procedure (MPEP) § 711.03(c). As also stated in the MPEP:

[a] petition under 37 CFR 1.137(a) must establish that the delay was unavoidable, and not just that it was unintentional. Thus, many petitions originally filed under 37 CFR 1.137(a) end up being granted under 37 CFR 1.137(b) when the applicant realizes that sufficient evidence concerning the delay is too difficult to obtain or the cause of the delay simply does not amount to "unavoidable delay" within the meaning of 37 CFR 1.137(a).

Applicant's filing calls into question whether the delay was truly unavoidable or is more properly categorized as an unintentional delay. Regarding the systems in place, applicant states that, Ms. Sunny Oh was the employee responsible for processing faxes and that she handled all of the docketing at Vista. However, the petition is silent as to the oversight provided by counsel in this case, as well as, the processing of faxes and docketing of cases in general. It is noted that counsel's name, Gerald Chan appears on the first page of the facsimile instructions for entering the U.S. National stage. Similarly, the petition does not provide any information as to management oversight of Ms. Oh such as review of her work and/or systems in place to catch any errors she may make such as mistakes in application numbers or filing due dates. In addition, while applicant states that Ms. Oh completed "formal docketing functions" at her former employer, the petition does not detail what that training entailed nor a discussion as to similarities or differences between the docketing system used at Bingham McCutchen, LLP and Vista, IP Law Group, LLP. While applicant states that Ms. Oh's work was generally good and reliable it does indicate that prior errors were made. The petition does not spell out these errors nor what corrective steps were taken as a result. Lastly, the petition does not indicate what event transpired to alert Vista, IP Law Group, LLP that the U.S. National stage deadline was overdue.

Because applicant has failed to satisfy all the requirements for a grantable petition under 37 CFR 1.137(a) it is not possible to grant the petition at this time.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 24 June 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

CONCLUSION

The petition to revive under 37 CFR 1.137(a) is **DISMISSED** without prejudice.

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

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

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

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

MAIL

JUL 21 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
NAKAYAMA, TADAYOSHI
Application No. 12/521,204
Filed: June 25, 2009
Attorney Docket No. **00862.152449**

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 May 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 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 A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,223	06/25/2009	James W. Bush	0001589-US(06-572)	5877

50791 7590 07/08/2010

BACHMAN & LAPOINTE, P.C. (UTC)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

EXAMINER	
ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
07/08/2010	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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BACHMAN & LAPOINTE, P.C. (UTC)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN CT 06510-2802

In re Application of	:	
BUSH, JAMES W. et al	:	DECISION ON REQUEST TO
Application No. 12/521,223	:	PARTICIPATE IN PATENT
Filed: June 25, 2009	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 0001589-US(06-572)	:	PROGRAM AND PETITION
For: COMPRESSOR	:	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 July 6, 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, KIPO 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; and
(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.

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.

All other inquiries concerning the examination or status of the application should be directed to Frantz Jules, the SPE of Art Unit 3744, and 571-272-6681 for Class 62 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

The application will be docketed to an 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.

The 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

20 JAN 2010

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www.uspto.gov

Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos CA 95032

In re Application of
Gilliam et al.
Application No.: 12/521,256
PCT No.: PCT/US2009/048511
Int. Filing Date: 24 June 2009
Priority Date: 16 July 2008
Attorney Docket No.: CLRA-036
For: Low Energy 4-Cell Electrochemical System With Carbon Dioxide Gas

DECISION

This is in response to the correspondence filed on 11 November 2009, which is being treated under 37 CFR 1.497(d).

BACKGROUND

This international application was filed on 24 June 2009, claimed an earliest priority date of 16 July 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States will expire at midnight on 17 January 2011 (since 16 January 2011 will be a Sunday). Applicants filed *inter alia* the basic national fee on 25 June 2009.

DISCUSSION

Applicants request that Kasra Farsad be added as a joint inventor. The regulation most pertinent to the situation presented is 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)). *See* Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement by Kasra Farsad.

Regarding requirement (2), the required $130.00 processing fee has been paid.

Regarding requirement (3), counsel has provided a written "Consent of Assignee..." signed by Eric Witt in the capacity of "Vice President of Intellectual Property" of Calera Corporation; this title conveys apparent authority to tact on behalf of the Corporation. Mr. Witt indicates that Calera is the assignee of the instant application, and states the reel and frame numbers where assignment documentation is recorded in the USPTO. Mr. Witt also states that Calera consents to the change in inventorship. As such, requirement (3) has been satisfied.

DECISION

The declaration filed on 11 November 2009 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,256	03/05/2010	Ryan J. Gilliam	CLRA-036	6150

84221 7590 06/15/2010

Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos, CA 95032

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

NOTIFICATION DATE	DELIVERY MODE
06/15/2010	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):

docket@calera.com
docket@bozpat.com
ewitt@calera.com

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Calera Corporation
Eric Witt
14600 Winchester Blvd.
Los Gatos CA 95032

JUN 15 2010

In re Application of	:	
Gilliam et al.	:	DECISION ON PETITION
Application No. 12/521,256	:	TO MAKE SPECIAL UNDER
Filed: 3/5/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **CLRA-036**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 6/3/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Application of
Nicholas H. Vrolijk, et al.
Application No. 12/521,392
Filed: June26, 2009
Attorney Docket No. 2007233-0108

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 5, 2010.

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

A review of the file record indicates that the power of attorney to Choate, Hall & Stewart LLP has been revoked by the assignee of the patent application on May 13, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **JONES DAY**
222 E. 41st Street
New York, NY 10017

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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Keith F. Noe
LANDO & ANASTASI, LLP
1 Main Street, Suite 1100
CAMBRIDGE, MA 02142

In re Application of GRAY, Barry	:
Application No.: 12/521,396	:
PCT Application No.: PCT/AU2007/001872	:
Int. Filing Date: 5 December 2007	: DECISION ON
Priority Date: 5 December 2006	:
Attorney Docket No.: I2034-7000US	: PETITION FOR REVIVAL
For: BRACKET FOR SPIGOT OR TELESCOPING TYPE JOINTS BETWEEN MEMBERS	: UNDER 37 CFR 1.137(b)
	:
	:

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally - Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 26 June 2009.

BACKGROUND

On 5 December 2007, applicant filed international application PCT/AU2007/001872, which claims priority date of 5 December 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 5 June 2009. Accordingly, PCT/AU2007/001872 became abandoned at midnight 5 June 2009 for failure to timely pay the basic national fee.

On 26 June 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the deposit account 502762 as authorized by applicant.

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

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

CONCLUSION

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

The application is being forwarded to the United States Designated Elected Office (DO/EO/US) for further processing, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Richard Cole
Senior Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

14 AUG 2009

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23505
CONLEY ROSE, P.C.
David A. Rose
P.O. Box 3267
Houston, TX 77253-3267

In re Application of	:	
MORITZ, Colin B.	:	
U.S. Application No.: 12/521,415	:	
PCT No.: PCT/US2007/078182	:	**DECISION ON**
Int. Filing Date: 11 September 2007	:	**PETITION UNDER**
Priority Date: 11 September 2006	:	**37 CFR 1.137(b)**
Docket No.: 1814-30208	:	
For: RFID TAG ASSEMBLY	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 26 June 2009 is hereby **GRANTED** as follows:

The appropriate fees and the petition fee 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 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

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02 JUL 2009

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

In re Application of:
TANG, Xiahua, et al.
U.S. Application No.: 12/521,424
PCT No.: PCT/CN2007/071320
International Filing Date: 25 December 2007
Priority Date: 26 December 2006
Atty's Docket No.: 13742-72
For: METHOD AND APPARATUS FOR CONTROLLING MOTOR FOR SKID MODE OF ELECTRIC VEHICLE

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a) For Non-Signing Inventors" filed 26 June 2009. Applicants have paid the required petition fee.

BACKGROUND

On 25 December 2007, applicants filed international application PCT/CN2007/071320. The international application claimed a priority date of 26 December 2006, and it designated the United States. On 03 July 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 June 2009.

On 26 June 2009, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signatures of co-inventors Jian GONG and Ming YU, whom applicants assert cannot be reached after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventors. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by four of the six inventors of record, and the declaration includes unsigned signature blocks for the non-signing inventors. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventors. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort.:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Mingxiu Jin provided here indicates that unsuccessful attempts were made to contact the inventors at their last known email addresses and cellular phone numbers. The statement also indicates that a department associate was contacted, but this person did not have contact information for the inventors. However, it is not clear from the present submission whether Minghiu Jin is the person who made the described inquiries and therefore whether this person has the required firsthand knowledge to confirm such efforts. Moreover, the inquiries described, on their own, are not sufficient to demonstrate a diligent effort to locate the inventor. A firsthand showing of additional efforts made to obtain current contact information for the non-signing inventors and contact them, including, but not limited to, an internet search (with the results of such search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

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

reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

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

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

3 SEP 2009

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P.O. BOX 10395
CHICAGO IL 60610

In re Application of:
TANG, Xiahua, et al.
U.S. Application No.: 12/521,424
PCT No.: PCT/CN2007/071320
International Filing Date: 25 December 2007
Priority Date: 26 December 2006
Atty's Docket No.: 13742-72
For: METHOD AND APPARATUS FOR CONTROLLING MOTOR FOR SKID MODE OF ELECTRIC VEHICLE

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 02 July 2009, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventors Jian GONG and Ming YU was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 17 August 2009, applicant filed a "Renewed Petition Under 37 CFR 1.47(a) And Submission Of Complete Declaration" treated herein.

Applicants' renewed petition was accompanied by acceptable declarations executed by the previously non-signing inventors Jian GONG and Ming YU. Applicants have therefore now submitted a fully executed declaration in compliance with 37 CFR 1.497. Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 August 2009.

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

21 AUG 2009

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Leslie S. Miller
REINHART BOERNER VAN DEUREN s.c.
1000 N. Water Street, Suite 2100
Milwaukee, WI 53202

In re Application of TAYLOR, Stephen John
Application No.: 12/521,537
PCT Application No.: PCT/GB2007/004705
Int. Filing Date: 10 December 2007
Priority Date: 20 December 2006
Attorney Docket No.: 10936
For: DETECTION APPARATUS

: DECISION ON
: PETITION FOR REVIVAL
: UNDER 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 in the United States Patent and Trademark Office (USPTO) on 26 June 2009.

BACKGROUND

On 10 December 2007, applicants filed international application PCT/GB2007/004705, which designated the U.S. and claimed priority date of 20 December 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 20 June 2009. Accordingly, PCT/GB2007/004705 became abandoned at midnight 20 June 2009 for failure to timely pay the basic national fee.

On 26 June 2009, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

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

required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to the deposit account as authorized by applicant.

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

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

CONCLUSION

For the reasons detailed above, applicants' 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.

/Brian Whiteman/
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Bryan Lin
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

21 AUG 2009

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Leslie S. Miller
REINHART BOERNER VAN DEUREN s.c.
1000 N. Water Street, Suite 2100
Milwaukee, WI 53202

In re Application of TAYLOR, Stephen John	:
Application No.: 12/521,546	:
PCT Application No.: PCT/GB2007/004713	:
Int. Filing Date: 10 December 2007	: DECISION ON
Priority Date: 20 December 2006	:
Attorney Docket No.: 10938	: PETITION FOR REVIVAL
For: DETECTOR APPARATUS AND PRECONCENTRATORS	: UNDER 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 in the United States Patent and Trademark Office (USPTO) on 26 June 2009.

BACKGROUND

On 10 December 2007, applicants filed international application PCT/GB2007/004713, which designated the U.S. and claimed priority date of 20 December 2006. The thirty-month period for paying the basic national fee in the United States expired midnight on 20 June 2009. Accordingly, PCT/GB2007/004713 became abandoned at midnight 20 June 2009 for failure to timely pay the basic national fee.

On 26 June 2009, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date

for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to the deposit account as authorized by applicant.

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

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

CONCLUSION

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

The application is being forwarded to the United States Designated Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

/Brian Whiteman/
Detailee
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Facsimile: 571-273-0459

Bryan Lin
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

2 8 AUG 2009

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REINHART BOERNER VAN DEUREN S.C.
ATTN: LINDA KASULKE, DOCKET COORDINATOR
1000 NORTH WATER STREET
SUITE 2100
MILWAUKEE WI 53202

In re Application of	:	
TAYLOR	:	
Application No.: 12/521,549	:	DECISION
PCT No.: PCT/GB2007/004702	:	
Int. Filing Date: 10 December 2007	:	
Priority Date: 20 December 2006	:	
Attorney Docket No.: 10939	:	
For: GAS PRECONCENTRATOR FOR DETECTION APPARATUS	:	

This decision is in response to applicant's submission filed 26 June 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 December 2007, applicant filed international application PCT/GB2007/004702 which designated the U.S. and claimed a priority date of 20 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 at midnight on 20 June 2009.

On 26 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

(1) The required reply;
(2) The petition fee;

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

As to item (1), applicant submitted the basic national fee on 26 June 2009.

As to item (2), applicant submitted the petition fee on 26 June 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
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8 SEP 2009

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Alexandria, VA 22313-1450
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Jamie Zheng
3524 Waverley Street
Palo Alto CA 94306

In re Application of :
Bauman, Richard F. :
U.S. Application No.: 12/521,579 :
PCT No.: PCT/CN2007/071393 :
Int. Filing Date: 29 December 2007 : DECISION
Priority Date: 29 December 2006 :
Attorney Docket No.: A0041 :
For: HIGH THROUGHPUT PROPYLENE :
FROM METHANOL CATALYTIC :
PROCESS DEVELOPMENT METHOD:

This application is before the Office of PCT Legal Administration for matters arising under 35 USC 371.

BACKGROUND

On 29 June 2009, applicant filed two sets of paperwork for the national phase entry of PCT/CN2007/071393, being assigned application nos. 12/521,579 and 12/521,280, respectively. Application 12/521,579 is the national phase.

DISCUSSION

Applicant has submitted multiple sets of papers for the national stage entry of international application number PCT/CN2007/071393. 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 multiple sets of national stage papers to enter the United States is improper. Accordingly, 12/521,579 and 12/521,280 have been consolidated into a single application, 12/521,579.

All future correspondence in regards to the national phase of PCT/CN2007/071393 should use 12/521,579.

CONCLUSION

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.

This application is being referred to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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0 4 AUG 2009

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Laurence P. Colton
Smith, Gambrell & Russell
1230 Peachtree Street, N. E.
Suite 3100, Promenade II
Atlanta, GA 30309

In re Application of:	:	
SOCCOL, Carlos Ricardo, et al.	:	DECISION ON
PCT Application No.: PCT/BR2008/000004	:	
US Application No.: 12/521,851	:	PETITION
Int. Filing Date: 08 January 2008	:	
Priority Date claimed: 08 January 2007	:	UNDER
Atty Docket No.: 049071.004	:	
For: PROCESS TO PRODUCE BIOMASS AND PROTEINS BY MICROALGAE	:	37 CFR § 1.182

This decision is in response to applicants' "PETITION TO CORRECT INTERNATIONAL APPLICATION NUMBER UNDER RULE 1.182" received on 08 July 2009.

BACKGROUND

On 30 June 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a transmittal letter. The transmittal letter indicates the international application number as PCT/BR2008/000004. However, the Electronic Filing Acknowledgement Receipt indicates the international application number as PCT/EP2008/000004.

On 08 July 2009, applicant submitted the instant petition under 37 CFR 1.182.

DISCUSSION

A review of the application file including counsel's statement in the instant submission reveals that the present application should in fact be the national stage application of international application **PCT/BR2008/000004**.

CONCLUSION

For this reason, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that an oath or declaration under 37 CFR 1.497 must be filed.

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

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

19 NOV 2009

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
WLOKA et al.	:	
Application No.: 12/521,873	:	
PCT No.: PCT/EP08/50002	:	DECISION ON
Int. Filing Date: 02 January 2008	:	
Priority Date: 08 January 2007	:	under 37 CFR 1.497(d)
Atty Docket No.: 343544US0PCT	:	
For: PROCESS FOR PREPARING DIPHENYLMETHANEDIAMINE	:	

This is a decision on applicant's' "Petition for Correction of Inventorship under 37 CFR 1.48(a)", filed on 28 September 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 01 July 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and an executed declaration.

On 28 September 2009, applicant filed a response along with an executed declaration and a "Request to Correct Inventorship under 37 CFR 1.48(b)".

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Wloka, Mattke and Breuninger were named as joints inventors in the published

international application PCT/EP08/50002. Applicant now requests the addition of inventor Markus Siegert.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Markus Siegert, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). A review of the application file reveals that the petition fee of $130 was paid. Applicant also submitted the written consent of the assignee to add Markus Siegert as an inventor.

With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Markus Siegert as an inventor in the above-identified international application.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Markus Siegert is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing.

Cynthia M. Kratz
Attorney Advisor
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
EDRINGTON et al.	:	
Application No.: 12/521,909	:	DECISION ON
PCT No.: PCT/US2007/026484	:	
Int. Filing Date: 31 December 2007	:	PETITION UNDER
Priority Date: 29 December 2006	:	
Attorney Docket No.: HWB-4209-195	:	37 CFR 1.137(b)
For: RUGGED PIEZOELECTRIC ACTUATORS	:	
AND METHODS OF FABRICATING SAME	:	

This decision is in response to applicants' submission filed 01 July 2009.

BACKGROUND

On 31 December 2007, applicants filed international application PCT/US2007/026484 which designated the U.S. and claimed a priority date of 29 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 29 June 2009.

On 01 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

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 01 July 2009.

As to item (2), applicant submitted the petition fee on 01 July 2009.

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

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

CONCLUSION

The petition under 37 CFR 1.137(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
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Telephone: (571) 272-3301
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/521,926	07/01/2009	Kazutoyo Takata	2009-1022A	3920

52349 7590 04/12/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
04/12/2010	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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Wenderoth, Lind & Ponack LLP
1030 15th Street, N.W., Suite 400 East
Washington, DC 20005-1503

In re Application of: Takata K.
Application No. 12/521,926
Filed: July 1, 2009
For: Contents retrieval device

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 4, 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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MAR 18 2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 2005-1503

In re application of	:	DECISION ON REQUEST TO
Takashi Tajima et al.	:	PARTICIPATE IN PATENT
Application No. 12/521,935	:	PROSECUTION HIGHWAY
Filed: July 1, 2009	:	PROGRAM AND PETITION
For: DESTINATION DISPLAY APPARATUS AND DESTINATION DISPLAY METHOD	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed February 26, 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.

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

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 03/17/10

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MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.
29 THANET ROAD, SUITE 201
PRINCETON NJ 08540

In re Application of:
DURAN VON ARX, Josep
U.S. Application No.: 12/521,994
PCT No.: PCT/ES2007/000689
International Filing Date: 29 November 2007
Priority Date: 30 November 2006
Atty Docket No.: 5657-104 US
For: PREFABRICATED ELEMENTS APPLICABLE IN A SYSTEM OF FERRULES FOR CORRECTING ORTHODONTIC MALOCLUSIONS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 02 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/ES2007/000689 became abandoned with respect to the United States at midnight on 30 May 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 international application for purposes of the U.S. is therefore appropriate.

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.

Richard M. Ross
Attorney Advisor
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23 JUL 2009

Heather F. Perrin
LATHROP & GAGE LLP
4845 Pearl East Circle, Suite 201
Boulder, Colorado 80301

In re Application of IBRAHIM, Zaki
Application No.: 12/522,147
PCT Application No.: PCT/US2007/006830
Int. Filing Date: 20 March 2007
Priority Date: 3 April 2006
Attorney Docket No.: 493278
For: STATIC COMPRESSION DEVICE

: DECISION ON
: PETITION FOR REVIVAL
: UNDER 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 in the United States Patent and Trademark Office (USPTO) on 2 July 2009.

BACKGROUND

On 20 March 2007, applicants filed international application PCT/US2007/006830, which claims priority date of 3 April 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 08 November 2007. The thirty-month period for paying the basic national fee in the United States expired midnight on 3 October 2008. Accordingly, PCT/US2007/006830 became abandoned at midnight 3 October 2008 for failure to timely pay the basic national fee.

On 2 July 2009, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 C.F.R. 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) a proper reply, (2) the petition fee required by law, (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed before June 8, 1995).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the credit card account as authorized by applicant.

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

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

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.

CONCLUSION

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

The application is being forwarded to the United States Designated Elected Office (DO/EO/US) for further processing.

Brian Whiteman
Detailee
Office of PCT Legal Administration
Telephone: 571-272-6095
Facsimile: 571-273-0459

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

19 AUG 2009

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Alexandria, VA 22313-1450
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MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH NY 10510-9227

In re Application of KARLEIN	:	
Application No.: 12/522,343	:	
PCT No.: PCT/DE07/01550	:	DECISION ON
Int. Filing: 30 August 2007	:	
Priority Date: 13 September 2006	:	PETITION TO REVIVE
Attorney Docket No.: 73390	:	
For: SYSTEM PENDULUM APPARATUS AND METHOD	:	UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 07 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the national stage application from the due date for the application papers until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $165 has now been provided. The required petition fee of $810 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 07 July 2009.

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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MAILED

MAY 17 2010

OFFICE OF PETITIONS

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

In re Application of :
Masao Yamamoto :
Application No. 12/522,351 :
Filed: January 25, 2010 :
Attorney Docket No. SUZ0065US :

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 April 1, 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 Asian Baghdadi, on behalf of the practitioners of record associated with Customer Number 36183.

Customer Number 36183 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SCALAR CORPORATION
22-2, NISHI-SHINJUKU, 1 CHOME
TOKYO 160 0023 JAPAN

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/522,351	01/25/2010	Masao Yamamoto	SUZ0065US

CONFIRMATION NO. 9105

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

POWER OF ATTORNEY NOTICE

OC000000041646114

Date Mailed: 05/14/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

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

/atkelley/

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

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22 JAN 2010

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MH2 TECHNOLOGY LAW GROUP, LLP
1951 KIDWELL DRIVE
SUITE 550
TYSONS CORNER VA 22182

In re Application of	DECISION ON
WEINS et al	
Application No.: 12/522,471	
PCT No.: PCT/US2008/051183	PETITION UNDER
Int. Filing Date: 16 January 2008	
Priority Date: 17 January 2007	
Attorney's Docket No.: 0076.0008	37 CFR 1.47(a)
For: SURFACE MICROMACHINED..	
COMPLIANT MECHANISMS	

This decision is in response to petitioner's "PETITION BY PERSON ... SIGN UNDER 37 CFR 1.47(a)" submitted on 08 July 2009, requesting the acceptance of the application without the signature of the joint inventor Gustavo Roman. The requisite $200 petition has been charged to petitioner's Deposit Account No.: 50-2961.

BACKGROUND

On 16 January 2008, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an executed declaration without the signature of joint inventor Gustavo Roman, and a petition under 37 CFR 1.47(a) .

The executed declaration is signed by Gloria Jean WEINS on her behalf and on the behalf of the nonsigning joint inventor Gustavo Roman..

DISCUSSION

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

Petitioner has satisfied items (1) - (4) of 37 CFR 1.47(a).

Regarding item (1), the correct petition fee of $200.00 has been paid.

Regarding item (2), the averments of Barbara A. Fisher are sufficient to support a finding that the nonsigning inventor, Mr. Roman refuses to sign because it is clear that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and declaration) and an assignment to the nonsigning inventor for signature on March 20, 2008 via email (exhibit E) and he has not return the required papers signed. Mr. Roman actions reflect a refusal on his part to sign the required papers.

Consequently, the current record does sufficiently establish Mr. Roman refusal to join in the application because petitioner has shown a *bona fide* attempt was made to deliver the complete application to him and that he refused to sign the required as evidenced by email communications.

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Gustavo Roman
700 SW 62nd Blvd, Apt K134
Gainesville, FL 32607

Regarding item (4), petitioner has provided an executed declaration signed by Gloria Jean WIENS on her behalf and on the behalf of the nonsigning co-inventor, Gustavo ROMAN.

Consequently, the current record does sufficiently establish Mr. ROMAN refusal to join in the application.

Petitioner has satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED** without prejudice.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **08 July 2009.**

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

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

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

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22 JAN 2010

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Gustavo Roman
700 SW 62nd Blvd, Apt K134
Gainesville, FL 32607

In re Application of
WEINS et al
Application No.: 12/522,471
PCT No.: PCT/US2008/051183
Int. Filing Date: 16 January 2008
Priority Date: 17 January 2007
Attorney's Docket No.: 0076.0008
For: SURFACE MICROMACHINED..
COMPLIANT MECHANISMS

Dear: Roman

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

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

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

MH2 TECHNOLOGY LAW GROUP, LLP
1951 KIDWELL DRIVE
SUITE 550
TYSONS CORNER VA 22182

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25 MAY 2010

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JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

In re Application of	:	
CLOSOSKI, Giuliano, Cesar, et al.	:	
U.S. Application No.: 12/522,494	:	
PCT No.: PCT/EP2008/050066	:	DECISION
International Filing Date: 04 January 2008	:	
Priority Date: 18 January 2007	:	
Attorney's Docket No.: 1406/534/2	:	
For: PREPARATION AND USE OF MAGNESIUM AMIDES	:	

This decision is issued in response to applicants' "Notification of Error In Payment Of Fee(s) As A Small Entity (37 CFR 1.28(c))" and related documents filed 04 February 2010. No petition fee is required.

BACKGROUND

On 04 January 2008, applicants filed international application PCT/EP2008/050066. The international application claimed a priority date of 18 January 2007, and it designated the United States. On 24 July 2008, the international Bureau (IB) communicated a copy of the international application to the United Staes Patent and Trademark Office (USPTO). Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 July 2009.

On 08 July 2009, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee and an assertion of small entity status.

On 13 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and additional fees.

On 04 February 2010, applicants filed a response to the Notification Of Missing Requirements that included an executed declaration, payment of the additional fees required (in the large entity amounts), and the ""Notification of Error In Payment Of Fee(s) As A Small Entity (37 CFR 1.28(c))"

On 04 March 2010, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying 04 February 2010 as the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4).

DISCUSSION

In the "Notification Of Error In Payment Of Fee(s) As A Small Entity (37 CFR 1.28(c))," applicant states that the previous assertion of small entity status was erroneous, although made in "good faith."

37 CFR 1.28(c) provides:

> that if small entity status is established in good faith and the small entity fees are paid in good faith, and it later discovered that such status as a small entity was established in error or through the Office was not notified of a change, the error will be excused upon compliance with the separate submission and itemization requirements of 37 CFR 1.28(c)(1) and (c)(2) and the deficiency payment requirement of 37 CFR 1.28(c)(2) is calculated using the date on which deficiency was paid in full.

Applicants have fulfilled the requirements set forth in 37 CFR 1.28(c) and submitted the appropriate fee required to complete the applicable large entity basic national fee (all other fees paid herein were submitted in the large entity amounts).

CONCLUSION

The request under 37 CFR 1.28(c) is **GRANTED**.

This application is being referred to Group Art Unit 1793 for further processing and examination.

Richard M. Ross
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3296

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/522,517	07/08/2009	Shohei Yamada	1609-0228PUS1	1655

2292 7590 06/01/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2112	

NOTIFICATION DATE	DELIVERY MODE
06/01/2010	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):

mailroom@bskb.com

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Birch, Stewart, Kolasch & Birch LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of: YAMADA S.
Application No. 12/522,517
Filed: July 08, 2009
For: Base station device, mobile station device, control information transmission method, control information reception method and program.

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 April 7, 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.
12/522,580	07/09/2009	Yusuke Hirao	15162/10610	1373

24367 7590 03/11/2010

SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS, TX 75201

EXAMINER	
ART UNIT	PAPER NUMBER
2873	

NOTIFICATION DATE	DELIVERY MODE
03/11/2010	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):

pair@sidley.com
ipdocketing@sidley.com

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SIDLEY AUSTIN LLP
717 NORTH HARWOOD
SUITE 3400
DALLAS TX 75201

In re Application of
HIRAO et al.
Application No.: 12/522,580
Filed: 09 July 2009
Attorney Docket No.: 15162/10610
For: IMAGE PICKUP LENS, IMAGE PICKUP APPARATUS AND MOBILE TERMINAL

: 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 08 February 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.

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

16 NOV 2009

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HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

In re Application of
Hickle
Application No. 12/522,656
PCT No.: PCT/US2006/036189
Int. Filing Date: 15 September 2006
Priority Date: 16 September 2005
Att. Docket No.: 82021-0059
For: Anesthesia Induction And Maintenance Drug

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 09 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in paying the required filing fee from the due date for the required fee until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3). Petitioner is required to promptly notify this Office if said interpretation is incorrect.

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **12 August 2009**.

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

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PROSKAUER ROSE, LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of :
Orhun K. Muratoglu, et. al. :
Application No. 12/522,728 : DECISION ON PETITION
Filed: April 5, 2010 : TO WITHDRAW FROM
Attorney Docket No. 00952-8222 : 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 **NOT APPROVED**.

A review of the file record indicates that Jennifer A. Camacho and the attorneys associated with customer number 61263 do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

The Change of Correspondence Address filed on May 11, 2010 is accepted. Therefore, any future communications from the Office will be directed to the below address 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: Massachusetts General Hospital
The General Hospital Corporation
Perkins Cole, LLP
607 Fourteenth Street, NW
Washington, DC 20005

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

September 14, 2009

In re application of	:	DECISION ON REQUEST TO
Hideaki Ishizawa et al	:	PARTICIPATE IN PATENT
Serial No. 12/522,755	:	PROSECUTION HIGHWAY
Filed: July 10, 2009	:	PROGRAM AND
For: ADHESIVE FOR ELECTRONIC COMPONENTS	:	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 July 10, 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

1 0 SEP 2009

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22242
FIRCH EVEN TABIN & FLANNERY
120 South LaSalle Street
Suite 1600
Chicago, IL 60603-3406

In re Application of
KISAKA *et al*
U.S. Application No.: 12/522,895
PCT No.: PCT/JP2008/050433
Int. Filing Date: 16 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: 6700-96316
For: DIGITAL TRANSMISSION SYSTEM AND DIGITAL TRANSMISSION METHOD

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 13 July 2009.

BACKGROUND

On 10 July 2009, applicants filed papers to enter the national stage of PCT/JP2008/060433 using the USPTO EFS-Web system. The application was processed as the national stage of PCT/JP2008/060433 by the USPTO.

On 13 July 2009, applicants filed a petition to change the underlying PCT application in the above-identified national stage application to PCT/JP2008/050433.

DISCUSSION

Applicants request that the PCT number in the above-captioned national stage application be corrected to PCT/JP2008/050433. This request is treated as a petition under 37 CFR 1.182. Applicants provided a $130.00 petition fee under 37 CFR 1.17(h).

A petition under 37 CFR 1.182 requires a $400.00 petition fee pursuant to 37 CFR 1.17(f). The additional fees have been charged to Deposit Account No. 06-1135 as authorized.

A review of the above-captioned application file verifies that the wrong PCT number was designated when filing the application electronically using the USPTO EFS-Web system. The PCT number was listed as PCT/JP2008/060433 by applicants when filing electronically with the USPTO. However, all indications on the transmittal letter and executed declaration including the name of the inventor, the title, and the

international filing date correspond to PCT/JP2008/050433. WIPO records also indicate that the title, international filing date and inventors correspond to PCT/JP2008/050433.

As such, it is clear that the subject application was intended to be filed as the national stage of PCT/JP2008/050433 and that applicants made a typographical error upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/JP2008/050433.

The declaration submitted with the national stage papers on 10 July 2009 is a composite declaration. The seven-page declaration consists of eight total pages (two page 5's) Each Page 5 lists the same inventors, but was separately executed.

While it is acceptable for inventors to execute separate copies of the oath or declaration, the complete copy presented to each inventor must be returned to the Office. *See* MPEP § 605.04(a). As such, this declaration is not acceptable.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

18 MAY 2010

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

In Re Application of
IWAMURA et al.
Application No.: 12/522,923
PCT No.: PCT/JP07/74731
Int. Filing Date: 21 December 2007
Priority Date: 17 January 2007
Attorney Docket No.: 17401/163001
For: LOGICAL INTERFACE ESTABLISHING METHOD, RADIO BASE STATION, AND COMMUNICATION MANAGING APPARATUS

DECISION ON

PETITION

This is a decision on applicant's "REQUEST FOR CORRECTED FILING RECEIPT" filed in the United States Patent and Trademark Office (USPTO) on 12 January 2010 and refiled on 01 March 2010.

BACKGROUND

On 21 December 2007, applicant filed international application No. PCT/JP08/74731 which claimed a priority date of 17 January 2007 and which designated the United States.

On 13 July 2009, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage and the basic national stage filing fee.

On 24 July 2009, an executed declaration (Form PTO/SB/106), in compliance with 37 CFR 1.497(a) and (b), was filed.

On 17 November 2009, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed, incorrectly indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 July 2009 and a date of completion of all 35 U.S.C. 371 requirements of 24 July 2009.

On 12 January 2010, applicant filed a Request for a Corrected Filing Receipt to correct the filing date to 24 July 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 24 July 2009, all of the 35 U.S.C. 371 requirements were complete. The 17 November 2009 Notification of Acceptance incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 July 2009, 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 24 July 2009. The date of completion of all 35 U.S.C. 371 requirements was correctly stated as 24 July 2009.

The Notification of Acceptance mailed on 17 November 2009 incorrectly indicated a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 July 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 24 July 2009 and a date of completion of all 35 U.S.C. 371 requirements as 24 July 2009..

CONCLUSION

For the reasons set forth above, the Request to Correct the Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 17 November 2009 is **VACATED**.

A new Notification of Acceptance will be issued indicating a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 24 July 2009 and a date of completion of all 35 U.S.C. 371 requirements as 24 July 2009.

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

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05 AUG 2009

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CANTOR COLBURN LLP
Daniel F. Drexler
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of	:	
BENSOUSSAN, Jose	:	DECISION ON
Application No.: 12/522,941	:	
PCT No.: PCT/FR2007/001936	:	
Int. Filing Date: 26 November 2007	:	PETITION
Priority Date: 01 December 2006	:	
Atty Docket No.: GER – 1467	:	
For: NASAL APPLICATOR FOR A NASAL	:	UNDER 37 CFR 1.137(b)
FLUID ASPIRATION DEVICE AND NASAL	:	
FLUID ASPIRATION DEVICE INCLUDING	:	
SAID NASAL APPLICATOR	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 13 July 2009.

BACKGROUND

On 26 November 2007, applicant filed international application No. PCT/FR2007/001936 which claimed a priority date of 01 December 2006, and which designated the United States. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee expired 30 months from the priority date, i.e. 01 June 2009.

On 13 July 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the deposit account No. 061130.

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".

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, including the mailing of a Notification of Missing Requirements (PCT/DO/EO/905) for the declaration of the inventorship.

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

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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09 OCT 2009

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Silicon Edge Law Group, LLP
6601 Koll Center Parkway
Suite 245
Pleasanton, CA 94566

In re Application of :
LIN et al. :
Application No.: 12/523,042 : DECISION ON PETITION
PCT No.: PCT/US2007/025634 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 13 December 2007 :
Priority Date: 09 January 2007 :
Attorney Docket No.: RA515.PCT.US :
For: RECEIVER WITH CLOCK RECOVERY CIRCUIT AND ADAPTIVE SAMPLE AND EQUALIZER TIMING :

The petition to revive under 37 CFR 1.137(b) filed 13 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 the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

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

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

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

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04 AUG 2009

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
SONG, et al.	:	
U.S. Application No.: 12/523,050	:	DECISION ON PETITION
PCT No.: PCT/KR2008/000061	:	
Int. Filing Date: 04 January 2008	:	UNDER 37 CFR 1.137(b)
Priority Date: 05 January 2007	:	
Attorney Docket No.: 430156.408USPC	:	
For: AN INSULINOTROPIC COMPLEX USING AN IMMUNOGLOBULIN FRAGMENT	:	

The petition to revive under 37 CFR 1.137(b) filed 13 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 the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/523,090		Seung-June YI	8737.211.00	6252

30827 7590 12/24/2009
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/24/2009	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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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

In re Application of	:	
YI, SEUNG-JUNE	:	DECISION ON REQUEST TO
Application No. 12/523,090	:	PARTICIPATE IN PATENT
Filed: July 14, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No.: **8737.211.00**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 25, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

Telephone inquiries concerning this decision should be directed to 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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17 JUL 2009

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Boyle Fredrickson S.C.
840 North Plankinton Avenue
Milwaukee WI 53203

In re Application of :
BELOHAV, Alan :
Application No.: 12/523,112 : DECISION ON PETITION
PCT No.: PCT/US2007/025309 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 11 December 2007 :
Priority Date: 11 December 2006 :
Attorney Docket No.: 1618.042 :
For: A SYSTEM AND METHOD OF BRAZING USING NON-SILVER METALS :

The petition to revive under 37 CFR 1.137(b) filed 14 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 the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

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

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

Anthony R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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27 AUG 2009

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66547
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210E
Melville, NY 11747

In re Application of :
LEE *et al* :
U.S. Application No.: 12/523,125 :
PCT No.: PCT/KR2008/000057 :
Int. Filing Date: 04 January 2008 : **DECISION ON**
Priority Date: 04 January 2007 : **PETITION UNDER**
Docket No.: 1403-84-PCT-US : **37 CFR 1.137(b)**
For: RANDOM ACCESS PREAMBLE :
STRUCTURE IN EXTENDED CELLS :
ENVIRONMENT :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 July 2009 is hereby **GRANTED** as follows:

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

The declaration submitted 14 July 2009 contains noninitialed changes with regard to the page numbers. Any changes made in ink must be initialed and dated by the applicants prior to execution of the declaration. 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. *See* MPEP § 605.04(a). **A new declaration executed by all five inventors is required.**

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

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

MAILED

APR 30 2010

OFFICE OF PETITIONS

Applicant: Winter.
Appl. No.: 12/523,146
International Filing Date: January 16, 2008
Title: ELECTROCHEMICAL ENERGY CELL SYSTEM
Attorney Docket No.: 095981-0104

The above identified application has been forwarded to the undersigned for review in response to the request for a Corrected Filing Receipt received on March 24, 2010.

The Corrected Filing Receipt mailed by the Office on April 1, 2010 has been vacated.

The initial filing receipt did not include a benefit claim including the nonprovisional application because neither the specification nor the Application Data Sheet (ADS) included a proper benefit claim the nonprovisional application. The Corrected Filing Receipt mailed on April 1, 2010 was done in error. A new Corrected Filing Receipt deleting the benefit claim will be mailed by the Office.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the

claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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47234
LAW OFFICES OF KHALILIAN SIRA, LLC
9100 Persimmon Tree Road
Potomac, MD 20854

In re Application of :
BELL *et al* :
U.S. Application No.: 12/523,305 :
PCT No.: PCT/US2008/000523 :
Int. Filing Date: 16 January 2008 :
Priority Date: 16 January 2007 : **DECISION**
Attorney Docket No.: 21300-208 :
For: FORMULATIONS FOR PARENTERAL ADMINISTRATION OF AMINO-SUBSTITUTED (E)-2, 6-DIALKOXYSTYRYL 4-SUBSTITUTED BENZYLSULFONES :

This decision is in response to the papers filed 17 July 2009 which are treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 17 July 2009, applicants filed a paper titled "Petition under 35 U.S.C. § 1.42" and a declaration executed by an inventor and the administrator of the estate of a deceased inventor.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

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

Applicants submitted a declaration executed by one of the two named inventors and by Mrs. Janice Bell on behalf of co-inventor, Dr. Stanley C. Bell. 37 CFR 1.497(a) and (b) requires that the declaration list the inventors and their citizenship along with the name of the legal representative and the legal representative's citizenship, residence and postal address.

Here, the declaration provided lists the information for the living inventor and presumably for the deceased inventor, but not for the legal representative.

As such, the declaration does not satisfy 37 CFR 1.497(b)(2).

CONCLUSION

For the reason listed above, the papers filed under 37 CFR 1.42 are **REFUSED**.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

15 JAN 2010

Commissioner for Patents
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47234
LAW OFFICES OF KHALILIAN SIRA, LLC
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In re Application of :
BELL *et al* :
U.S. Application No.: 12/523,305 :
PCT No.: PCT/US2008/000523 :
Int. Filing Date: 16 January 2008 :
Priority Date: 16 January 2007 : **DECISION**
Attorney Docket No.: 21300-208 :
For: FORMULATIONS FOR PARENTERAL :
ADMINISTRATION OF :
AMINO-SUBSTITUTED (E)-2, :
6-DIALKOXYSTYRYL 4-SUBSTITUTED :
BENZYLSULFONES :

This decision is in response to the papers filed 13 October 2009 which are treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 16 September 2009, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 13 October 2009, applicants filed another declaration executed by the legal representative of a deceased inventor.

DISCUSSION

Applicants previously submitted a declaration executed by one of the two named inventors and by Mrs. Janice Bell on behalf of co-inventor, Dr. Stanley C. Bell. However, the declaration was not accepted as the declaration failed to list the legal representative's citizenship, residence and postal address.

In their response, applicants submitted a declaration executed by Mrs. Janice Bell as the legal representative of the deceased inventor. The citizenship, residence and address of the legal representative are recorded on the declaration pursuant to 37 CFR 1.497(b)(2), along with the required information for all inventors (including the deceased inventor).

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 January 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 13 October 2009.

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

James Thomson

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UNITED STATES PATENT AND TRADEMARK OFFICE

28 AUG 2009

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Bracewell & Giuliani LLP
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Houston TX 77208-1389

In re Application of ARANGO et al. :
Application No.: 12/523,713 : DECISION ON
PCT No.: PCT/US07/25807 :
Int. Filing: 18 December 2007 : PETITION TO REVIVE
Priority Date: 18 December 2006 :
Attorney Docket No.:024-44915-US : UNDER 37 CFR 1.137(b)
For: SYSTEM, PROGRAM PRODUCT, :
AND METHOD FOR DRILLING RIG ACTIVITY:
ACCOUNTING AND VISUALIZATION

The petition to revive under 37 CFR 1.137(b) filed 17 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply 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 the $330 basic national fee has been paid. The required petition fee of $1640 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 the declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the declaration after the thirty month period, is required. It is noted that the declaration submitted on 17 July 2009 is unacceptable as it does not identify the fourth inventor on the published international application (Andreas Sadlier).

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14 MAY 2010

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Bracewell & Giuliani LLP
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In re Application of ARANGO et al.
Application No.: 12/523,713
PCT No.: PCT/US07/25807
Int. Filing: 18 December 2007
Priority Date: 18 December 2006
Attorney Docket No.:024-44915-US
For: SYSTEM, PROGRAM PRODUCT, AND METHOD FOR DRILLING RIG ACTIVITY: ACCOUNTING AND VISUALIZATION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Request for Correction of Inventorship under 37 CFR 1.48(a)"[1], treated as a petition to correct inventorship under 37 CFR 1.497(d), and filed on 15 February 2010 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Andreas Sadlier as inventor in the above referenced application.

BACKGROUND

On 17 July 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 via Electronic Filing System (EFS-WEB) with, *inter alia*, the requisite basic national fee.

On 15 February 2010, applicant instant petition to correct inventorship to add inventor Andreas Sadlier, as required by 37 CFR 1.497(a) and (b).

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by

[1] At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

any of the original named inventors, the written consent of the assignee(s).[2]

Petitioner has provided the signed statement of Andreas Sadlier, stating that any error in inventorship in the above identified application occurred without deceptive intent on his part. Item (1) is satisfied.

The processing fee of $130.00 was paid and thus, Item (2) above is satisfied.

With regard to Item (3), the written consent of the assignee consenting to the addition of Andreas Sadlier as inventor in this application is required and has been submitted. A statement under 37 CFR 3.73(b) [3] was also submitted. Therefore, Item (3) above is satisfied. Accordingly, applicant has met all of the requirements to add Andreas Sadlier as co-inventor in the above-identified international application.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add Andreas Sadlier as an inventor is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/
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---

[2] 37 CFR 1.497(d) states, in part: If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

> (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(I); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

UNITED STATES PATENT AND TRADEMARK OFFICE

04 MAR 2010

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
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CLEVELAND OH 44114

In re Application of	:	
DHOLAKIA et al.	:	
Application No.: 12 /532,723	:	DECISION on
PCT No.: PCT/GB08/00840	:	
Int. Filing Date: 10 March 2008	:	SUBMISSION
Priority Date: 08 March 2007	:	
Attorney Docket No.: MC1-019337 US PCT	:	PURSUANT TO 35 U.S.C. 371
For: ENHANCED SPECTROSCOPIC TECHNIQUES USING SPATIAL BEAM SHAPING	:	

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

Applicant filed international application PCT/GB08/00740 on 10 March 2008 [1] claiming a priority date of 08 March 2007. The thirty month period within which to file a request concerning a filing under 35 U.S.C. 371 expired at midnight on 08 September 2009.

On 23 September 2009, after the expiration of the thirty month period, applicant electronically filed, via EFS-WEB, a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390). Because the basic national fee was not paid by the expiration of the thirty month period or by 08 September 2009, in accord with 35 U.S.C. 371(c) and 37 CFR 1.495, the international application PCT/GB08/00840 is abandoned as to the U.S. national stage.

The application will be forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing including issuance of a Notification of Abandonment (Form PCT/ DO/EO/909) in accord with this decision.

Applicant may wish to consider filing a petition to revive his abandoned international application under 37 CFR 1.137(a) or (b). The appropriate forms and relevant MPEP section 711.03(c) can be located at www.upsto.gov. Applicant is reminded that the filing of any petition under the unintentional standard cannot be intentionally delayed. A person seeking

[1] Pursuant to PCT Rule 80.5, where the expiration of a time period expires on a day on which an Office is not open to the public, the period shall expire on the next subsequent day. The twelve month period for filing an international application claiming priority date to 08 March 2007 was 08 March 2008. However, 08 March 2008 was a Saturday and 09 March 2008 was a Sunday, so the next subsequent day was 10 March 2008.

revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay was unintentional. A statement that the delay was unintentional is not appropriate if the petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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UNITED STATES PATENT AND TRADEMARK OFFICE

10 SEP 2009

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Dr. Samuel Ron
5 Habrosh Street
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ISRAEL

In re Application of	:	
Dr. Samuel Ron	:	
U.S. Appl. No.: 12/523,750	:	DECISION UNDER
Int. Appl. No.: PCT/IL08/00822	:	37 CFR 1.182
Int. Filing Date: 17 June 2008	:	
Priority Date: 10 October 2007	:	
Attorney's Docket No.: None	:	
For: METHODS FOR PLAYING COMPUTER GAMES WITHOUT A DISPLAY	:	

This decision is in response to applicant's petition under 37 CFR 1.182 filed 29 July 2009 via facsimile requesting correction of the "APPLICATION DATA SHEET 37 CFR 1.76" (Form PTO/SB/14 (07-07)) to show that the international application number is PCT/IL08/00822 and not PCT/IL08/00121. The petition is **GRANTED** as follows:

The $400 petition fee was charged to applicant's credit card as authorized.

BACKGROUND

On 20 July 2009, applicant submitted U.S. application 12/523,750 as a national stage application. On sheet no. 1 of the Application Data Sheet, applicant indicated that the international application no. was PCT/IL08/00121. However, the copy of the "WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY" (Form PCT/ISA/217) provided by applicant identified the international application as PCT/IL08/00822.

On 29 July 2009, applicant filed the present petition requesting that sheet no. 1 of the Application Data Sheet be corrected to show that the correct international application no. is PCT/IL08/00822.

DISCUSSION

A review of the application file and the publication information from the WIPO website reveals that international application number PCT/IL08/00822 is the correct international application for U.S. application 12/523,750. Therefore, treating the present national stage application as a national stage entry of international application PCT/IL08/00822 instead of international application PCT/IL08/00121 is appropriate.

CONCLUSION

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

U.S. application no. 12/523,750 is being returned to the DO/EO/US for further processing in accordance with this decision as the national stage entry of international application PCT/IL08/00822.

Leonard Smith
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PCT Legal Office

JSF/LS:jf

Jeremy Fleming
Paralegal Specialist
PCT Legal Office

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13 JUL 2010

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In re Application of TSUJI et al	:	
U.S. Application No.: 12/523,918	:	
PCT Application No.: PCT/JP2008/050641	:	
Int. Filing Date: 18 January 2008	:	
Priority Date Claimed: 22 January 2007	:	
Attorney Docket No.: 142262	:	
For: METHOD FOR PRODUCTION OF MESENCHYMAL CELL, METHOD FOR PRODUCTION OF TOOTH, AND MESENCHYMAL CELL FOR FORMATION OF TOOTH	:	DECISION

This is in response to applicant's correspondence filed 18 February 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 18 January 2008, applicant filed international application PCT/JP2008/050641, which claimed priority of an earlier Japan application filed 22 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 31 July 2008. The thirty-month period for paying the basic national fee in the United States expired on 22 July 2009.

On 21 July 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 16 November 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 17 November 2009, applicant filed an executed declaration.

On 05 January 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 18 February 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notice of Acceptance indicates 24 November 2009 as the date of receipt of 35 U.S.C. 371 requirements including the declaration. A review of the application file reveals that the declaration filed 17 November 2009 is present.

CONCLUSION

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

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 05 January 2010 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 January 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 November 2009.

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

Bryan Lin

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23 SEP 2009

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In re Application of	:	
SHEN et al.	:	
Application No.: 12/523,999	:	DECISION
PCT No.: PCT/SG2007/000397	:	
Int. Filing Date: 16 November 2007	:	
Priority Date: 21 December 2006	:	
Attorney Docket No.: 2972.002US1	:	
For: A CLAMPING ASSEMBLY	:	

This decision is in response to applicant's submission filed 22 July 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 November 2007, applicant filed international application PCT/SG2007/000397 which designated the U.S. and claimed a priority date of 21 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 at midnight on 22 June 2009 (21 June 2009 being a Sunday).

On 22 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 22 July 2009.

As to item (2), applicant submitted the petition fee on 22 July 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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21 APR 2010

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In re Application of:	:	
BEASLEY, Patrick, David, Lawrence	:	DECISION
U.S. Application No.: 12/524,070	:	
PCT No.: PCT/GB2008/000306	:	
International Filing Date: 31 January 2008	:	
Priority Date: 31 January 2007	:	
Attorney Docket No.: 142287	:	
For: LOW NOISE GENERATOR FOR FREQUENCY SWEPT SIGNALS	:	

This decision is issued in response to the "Request For Corrected Notification Of Acceptance" filed 20 January 2010, treated herein in part as a petition under 37 CFR 1.181 to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the 'Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 05 January 2010. No petition fee is required.

BACKGROUND

On 31 January 2008, applicant filed international application PCT/GB2008/00306. The international application claimed a priority date of 31 January 2007, and it designated the United States. On 07 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 31 July 2009, i.e., thirty months from the priority date.

On 22 July 2009, applicant 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 executed declaration. The Transmittal Letter included an express request to begin national examination procedures pursuant to 35 U.S.C. 371(f).

On 05 January 2010, 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 22 July 2009 and the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 31 July 2009. Also on 05 January 2010, a filing receipt was issued that identified the "Filing Date or 371(c) Date" as 22 July 2009.

On 20 January 2010, applicant filed the "Request For Corrected Notification Of Acceptance" considered herein.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 July 2009. MPEP section 1893.03(b), sets forth the following criteria for determining the correct "Date Of Completion Of all 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance:

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and
>
> (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

In the present application, elements "A," "B," and "D" were satisfied as of 22 July 2009, and elements "C," "F", and "G" do not apply. The appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is therefore determined by element "E." As noted above, the Transmittal Letter filed by applicant on 22 July 2009 to initiate the present application included a "request for early processing under 35 U.S.C. 371(f)." Accordingly, pursuant to element "E," the appropriate "Date Of Completion Of All 35 U.S.C. 371 Requirements" is 22 July 2009, that is, "the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(c)(4)."

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 05 January 2010, which incorrectly listed of 31 July 2009 as the "Date Of Completion Of All 35 U.S.C. 371 Requirements," is appropriately vacated.

A corrected Notification of Acceptance will be issued that properly identifies the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 22 July 2009.

CONCLUSION

The petition to correct the "Date Of Completion Of All 35 U.S.C. 371 Requirements" is **GRANTED**.

The Notification Of Acceptance mailed 05 January 2010, which incorrectly identified the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 31 July 2009, is hereby **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuing of a corrected "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the Date Of Completion Of All 35 U.S.C. 371 Requirements" as **22 July 2009**.

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SEP 17 2009

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St.Louis, MO 63105

In re application of
Lok Yung Wong
Application No. 12/524,099
Filed: July 22, 2009
For: LOUVRED SHUTTER

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 31, 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 IPOS;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPOS 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 IPOS application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the IPOS 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 IPOS examiner in the IPOS 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 July 22, 2009 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.

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

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

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 9/16/09

UNITED STATES PATENT AND TRADEMARK OFFICE

01 FEB 2010

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

Mills & Onello LLP
Eleven Beacon Street
Suite 605
Boston, MA 02108

In re Application of:
LEE et al. :
Application No.: 12/524,102 : DECISION
PCT No.: PCT/GB2008/000215 :
Int. Filing Date: 18 January 2008 :
Priority Date: 23 January 2007 :
Attorney Docket No.: MAL-0001 :
For: WORKOUT GARMENT

This decision is issued in response to applicants' "Request for Office Records to Correctly Reflect the Priority Date" filed 12 November 2009 treated herein as a Request for Corrected Notice of Acceptance and Official Filing Receipt under 37 CFR 1.181. No petition fee is due.

Applicants state in the present request that "the Notification of Missing Requirements Under 35 U.S.C. 371 incorrectly lists the priority date for the present application as January 21, 2007. The correct priority date . . . is January 23, 2007, the filing date of GB (application) 0701313.9."[1] A review of the WIPO publication (WO 2008/090329) reveals that the international application claims priority to an earlier application (0701313.9) filed 23 January 2007, not 21 January 2007. Therefore, applicants' request under 37 CFR 1.181 for a corrected filing receipt is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notification of Acceptance of Application (Form PCT/DO/EO/903) and Official Filing Receipt which properly identifies the priority data for international application PCT/GB2008/000215.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298

[1]On 23 December 2009, The Office mailed a Notification of Acceptance and Official Filing Receipt which identified the priority date for the above-identified application as 21 January 2007.

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

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of :
Silvio Zaifrani, et al. :
Application No. 12/524,164 :
Filed: July 23, 2009 :
Attorney Docket No. C010-P1031-US :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

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

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NANOMOTION LTD.**
Mordot HaCarmel Industial Park
Ha Yetsira Street
PO Box 623
Yokneam, 20692, Israel

21 SEP 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA VA 22314

In re Application of	:	
AERTS	:	
Application No.: 12/524,209	:	DECISION
PCT No.: PCT/NL2007/050684	:	
Int. Filing Date: 21 December 2007	:	
Priority Date: 21 December 2006	:	
Attorney Docket No.: 2001-1702	:	
For: TREATMENT OF FABRY DISEASE	:	

This decision is in response to applicant's submission filed 23 July 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 December 2007, applicant filed international application PCT/NL2007/050684 which designated the U.S. and claimed a priority date of 21 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 at midnight on 21 June 2009.

On 23 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 23 July 2009.

As to item (2), applicant submitted the petition fee on 23 July 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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

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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CST

October 5, 2009

In re application of	:	DECISION ON REQUEST TO
Tomoya Takeuchi et al	:	PARTICIPATE IN PATENT
Serial No. 12/524,274	:	PROSECUTION HIGHWAY
Filed: July 23, 2009	:	PROGRAM AND
For: LITHIUM TRANSITION METAL OXIDE HAVING LAYERED STRUCTURE	:	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 July 23, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STITES & HARBISON, PLLC
400 W MARKET ST
SUITE 1800
LOUISVILLE KY 40202-3352

MAILED

MAY 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Taylor, et al. :
Application No. 12/524,398 : NOTICE
Filed: July 24, 2009 :
Attorney Docket No. UN024/0UN71-US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed March 17, 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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STITES & HARBISON, PLLC
400 W MARKET ST
SUITE 1800
LOUISVILLE KY 40202-3352

MAILED

MAY 21 2010

OFFICE OF PETITIONS

In re Application of :
Taylor, et al. :
Application No. 12/524,432 :
Filed: July 24, 2009 :
Attorney Docket No. UN024/0UN72-US :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed March 17, 2010.

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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.
12/524,455		Toshio SAKIMURA	2009_1141A	8887

52349 7590 10/23/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
2472	

MAIL DATE	DELIVERY MODE
10/23/2009	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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Wenderoth, Lind & Ponack L.L.P.
1030 15th Street N.W.
Suite 400 East
Washington DC 2005-1503

In re Application of: Toshio Sakimura
Application No. 12524455
Filed:
For: **METHOD OF MEASURING PACKET ROUND TRIP TIME RTT FOR WIRELESS COMMUNICATION SYSTEM USING A PAIR OF RESERVATION PERIODS**

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

MAILED

OCT 23 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 25, 2009, to make the above-identified application special.

The petition is **GRANTED.**

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

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

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

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

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

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

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in

the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

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

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

/Hassan Kizou/
Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

17 FEB 2010

Commissioner for Patents
United States Patent and Trademark Office
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David Bradin
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
P. O. Box 14329
Research Triangle Park, NC 27709

In re Application of: LUNDBERG, Karin, et al.	:	DECISION
U.S. Application No.: 12/524,465	:	
PCT No.: PCT/GB2008/000267	:	
International Filing Date: 25 January 2008	:	UNDER
Priority Date: 25 January 2007	:	
Atty's Docket No.: 4407-101	:	
For: METHODS	:	37 CFR 1.26

This decision is issued in response to applicant's "REUEST FOR REFUND OF CLAIMS FEES IMPROPERLY CHARGED IN U.S. PATNET APPLICATION NO. 12/524,465" filed 07 December 2009, which has been treated as a petition under 37 C.F.R. 1.26. No petition fee is required.

BACKGROUND

On 24 July 2009, applicants filed National Phase application papers requesting entry into the national phase in the United States of America under 35 U.S.C. 371. The National Phase application filing included, *inter alia*, a Transmittal Letter (PTO-1390); all applicable filing fees; and a preliminary amendment.

On 17 November 2009, the USPTO charged $1542 to Deposit Account No. 08-3284 in association with excessive and multiple dependent claim fees.

On 07 December 2009, applicants filed the instant "petition" requesting refund of the claim fees including a copy of the preliminary amendment filed on 24 July 2009.

DISCUSSION

A review of the USPTO finance records reveals that the amount of $1542 was credited to the applicants' Deposit Account No. 08-3284 on 10 December 2009.

CONCLUSION

Applicants' petition under 37 CFR 1.26 is **DISMISSED AS MOOT**, without prejudice.

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAIL

MAR 03 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
ROH, DONG WOOK, et al.
Application No. 12/524,529
Filed: November 6, 2009
Attorney Docket No.: **2101-3665**

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:

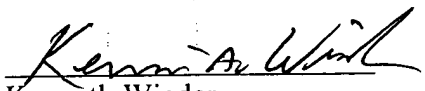
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation 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 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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MAILED

OCT 21 2009

OFFICE OF PETITIONS

OPPENHEIMER WOLFF & DONNELLY LLP
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS MN 55402

In re Application of :
Toomes, et al. :
Application No. 12/524,531 : ON PETITION
Filed: July 24, 2009 :
Attorney Docket No. **22561-8802**

This is a decision on the petition under 37 CFR 1.182 filed September 17, 2008, to change the order of the inventors cited on this application in USPTO records.

The petition is **granted.**

The order of the inventors is now as follows:

1. Chris Toomes
2. Marc Nitz
3. Tracey Lee
4. Bjarne Bergheim
5. David Elizondo

A corrected filing receipt will be mailed at the conclusion of the processing of this application in the PCT offices.

The application file is being directed to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
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.
12/524,604		Takahiro YAMAGUCHI	2009-0982A	1286

52349 7590 10/29/2009

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

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
10/29/2009	PAPER

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

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

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

In re Application of: Takahiro Yamaguchi
Application No. 12524604
Filed:
For: COPYRIGHT PROTECTION DATA PROCESSING SYSTEM AND REPRODUCTION DEVICE

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

MAILED

OCT 29 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 27, 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 undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

2 8 SEP 2009

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Alexandria, VA 22313-1450
www.uspto.gov

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
YAMAGUCHI	:	
Application No.: 12/524,659	:	
PCT No.: PCT/JP2009/058541	:	
Int. Filing Date: 23 April 2009	:	DECISION
Priority Date: 25 April 2008	:	
Attorney Docket No.: 03500.166626.	:	
For: POLYESTER RESIN COMPOSITION AND MOLDED PRODUCT	:	

The decision is in response to applicant's petition under 37 CFR 1.182, filed in the USPTO on 04 August 2009.

BACKGROUND

On 23 April 2009, applicant filed international application PCT/JP2009/058541 which designated the United States and claimed a priority date of 25 April 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 October 2010.

On 27 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a declaration of the inventor.

On 04 August 2009, applicants submitted the instant petition under 37 CFR 1.182. The petition was accompanied by an affidavit of Ya Yamaguchi.

DISCUSSION

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

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

With regard to item (2), the affidavit of Ya Yamaguchi is an affidavit setting forth both names (Ya Shimizu and Ya Yamaguchi) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

CONCLUSION

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

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
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Legal Administration
Telephone: (571) 272-3301

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/524,695	11/10/2009	Sung Wuk Kim	1408.051	1043

23405 7590 03/22/2010

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
03/22/2010	PAPER

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

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAR 2 2 2010

In re Application of
KIM, SUNG WUK et. al.
Application No. 12/524,695
Filed: July 27, 2009
Attorney Docket No: 1408.051

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 February 02, 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:

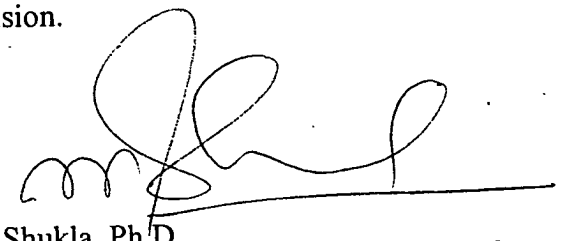
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(3) 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;
(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 comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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



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

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

21 SEP 2009

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J. Rodman Steele
Novak Druce & Quigg LLP
525 Okeechobee Blvd
Suite 1500
West Palm Beach FL 33401

In re Application of	:	
GELONESE	:	
Application No.: 12/524,709	:	DECISION
PCT No.: PCT/AU2007/002009	:	
Int. Filing Date: 27 December 2007	:	
Priority Date: 27 December 2006	:	
Attorney Docket No.: 784-135	:	
For: PERSONAL COMPUTER POWER	:	
CONTROL METHOD AND DEVICE	:	

This decision is in response to applicant's submission filed 27 July 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 December 2007, applicant filed international application PCT/US2007/002009 which designated the U.S. and claimed a priority date of 27 December 2006. A copy of the international application was communicated to the USPTO from the International Bureau on 03 July 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 June 2009.

On 27 July 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

(1) The required reply;
(2) The petition fee;

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

As to item (1), applicant submitted the basic national fee on 27 July 2009.

As to item (2), applicant submitted the petition fee on 27 July 2009.

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

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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

2 3 NOV 2009

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

In re Application of	:	
GRAY	:	
Application No.: 12/524,859	:	DECISION
PCT No.: PCT/AU2008/000031	:	
Int. Filing Date: 11 January 2008	:	
Priority Date: 01 February 2007	:	
Attorney's Docket No.: 08270036AA	:	
For: CONNECTOR SOCKET, A CONNECTOR PLUG, AND AN APPLIANCE FITTED WITH A CONNECTOR	:	

This is a decision on applicants' petitions under 37 CFR 1.182 filed 19 November 2009. The petition fee of $400.00 has been charged to Deposit Account 50-2041. The petition is **GRANTED** as discussed below.

On 28 July 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and a declaration of inventors. The international application number keyed into EFS-Web was PCT/DE08/00031. However, the Transmittal Letter and the declaration indicate the international application number as PCT/AU2008/000031.

On 19 November 2009, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/AU2008/000031, reveals that the present application should in fact be the national stage application of international application **PCT/AU2008/000031**.

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

18 SEP 2009

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of	:	
Winkler	:	
Application No. 12/525,126	:	
PCT No.: PCT/AU2007/001960	:	
Int. Filing Date: 19 December 2007	:	DECISION
Priority Date: 10 January 2007	:	
Att. Docket No.: 029511-0381631	:	
For: Tinnitus Treatment	:	

The petition to revive under 37 CFR 1.137(b) filed on 30 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 July 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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NOV 2 0 2009

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

In re application of
Yuko Tsusaka
Application No. 12/525,233
Filed: July 30, 2009
For: ROBOT ARM CONTROL DEVICE AND CONTROL METHOD, ROBOT, AND CONTROL PROGRAM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 17, 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 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.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

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

/Teri P. Luu/

Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 11/19/09

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,325	10/12/2009	Karl E. Boggs	020732-661.826 CIP PCT US	6850

24239 7590 03/03/2010

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park, NC 27709

EXAMINER	
ART UNIT	PAPER NUMBER
1792	

MAIL DATE	DELIVERY MODE
03/03/2010	PAPER

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MAR 0 3 2010

Mailed:
Boggs et al.
Serial No. 12/525,325
Filed: 07/31/2009
For: Stabilization Of Polymer-Silica Dispersions For Chemical Mechanical Polishing Slurry Applications

wk
In re application of
DECISION ON
PETITION

This is a decision on a PETITION filed January 26, 2010, 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 documents related to "Corrected Filing Receipt" be expunged. 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

Tristan A. Fuierer
MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

- 8 JUN 2010

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WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON VA 20190

In re Application of	:	
OTTLEBEN, Michael	:	
Application No.: 12/525,370	:	
PCT No.: PCT/DE2008/000192	:	
Int. Filing Date: 31 January 2008	:	DECISION
Priority Date: 31 January 2007	:	
Attorney Docket No.: 03100512AA	:	
For: METHOD FOR PRODUCING AN ORTHESIS	:	

This decision is in response to applicant's "Communication," filed in the United States Patent and Trademark Office on 15 March 2010. It has been treated as a petition under 37 CFR 1.182. The fee will be charged to deposit account no. 50-2041, as authorized.

BACKGROUND

On 31 July 2009, applicants filed a national stage entry naming two different international applications: PCT/US2008/000192 in the electronic data and PCT/DE2008/000192 in the paperwork.

On 14 December 2009, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 16 February 2010, applicants filed a declaration of the inventor for international application PCT/DE2008/000192.

On 25 February 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the international application number on the declaration did not correspond to the application.

On 15 March 2010, applicants filed this petition under 37 CFR 1.182 to correct the national phase indications to a national phase entry of PCT/DE2008/000192.

On 21 April 2010, the Office mailed Notification of Acceptance (Form PCT/DO/EO/903) indicating that the application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date and an all 35 USC 371 date of 15 March 2010.

DISCUSSION

Applicant indicates that this application was intended to be the national phase of PCT/DE2008/000192. The petition fee will be charged to deposit account no. 50-2041, as authorized. The indications in this application will be corrected to indicate that this is a national phase of PCT/DE2008/000192.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 14 December 2009, the Notification of Defective Response (Form PCT/DO/EO/916) mailed 25 February 2010 and the Notification of Acceptance (Form PCT/DO/EO/903) mailed 21 April 2010 are **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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31 AUG 2009

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of	:	
CEBALLOS-GODEFROY	:	
Application No.: 12/525,387	:	
PCT No.: PCT/IB2007/004211	:	DECISION ON PETITION
Int. Filing Date: 12 December 2007	:	
Priority Date: 14 December 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: CEBALLOS3	:	
For: COLLAPSIBLE SHOWCASE	:	

The petition to revive under 37 CFR 1.137(b) filed 31 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 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 deposit account information for the charging of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/525,407	07/31/2009	Motoharu Suzuki	00862.147285.	7518

5514 7590 06/08/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
TROST IV, WILLIAM GEORGE	
ART UNIT	**PAPER NUMBER**
2472	
MAIL DATE	**DELIVERY MODE**
06/08/2010	PAPER

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of: SUZUKI, MOTOHARU
Application No. 12525407
Filed: July 31, 2009
For: COMMUNICATION APPARATUS, COMMUNICATION APPARATUS CONTROL METHOD, AND COMPUTER PROGRAM FOR CAUSING COMPUTER TO EXECUTE THE CONTROL 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 PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April, 29, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those 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.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application 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 is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-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
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

05 AUG 2009

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P.O. Box 1450
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Moore & Van Allen PLLC
P.O. Box 13706
Research Triangle Park, NC 27709

In re Application of :
CASIMIRO et al. :
Application No.: 12/525,442 : DECISION ON PETITION
PCT No.: PCT/CU2007/000021 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 24 December 2007 :
Priority Date: 26 December 2006 :
Attorney Docket No.: 014811-727.250CU :
For: PHARMACEUTICAL COMPOSITION COMPRISING AN ANTI-CD6MONOCLONAL ANTIBODY USED IN THE DIAGNOSIS AND TREATMENT OF RHEUMATOID ARTHRITIS :

The petition to revive under 37 CFR 1.137(b) filed 31 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 the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

03 SEP 2009

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Moore & Van Allen PLLC
Marianne Fuierer
P.O. Box 13706
Research Triangle Park, NC 27709

In re Application of	:	PETITION
MONTERO CASIMIRO, Jose Enrique et al.	:	
Application No.: 12/525,449	:	DECISION
PCT No.: PCT/CU2007/000022	:	
Int. Filing Date: 24 December 2007	:	UNDER
Priority Date: 26 December 2006	:	
For: PHARMACEUTICAL COMPOSITIONS	:	
CAPABLE OF INDUCING APOPTOSIS IN	:	37 CFR 1.137(b)
TUMOUR CELLS, USEFUL FOR DIAGNOSIS	:	
AND TREATMENT OF B-CHRONIC	:	
LYMPHOCYTIC LUKAEMIA	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 31 July 2009.

BACKGROUND

On 24 December 2007, applicant submitted international application No. PCT/CU2007/000022. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 26 June 2009.

On 31 July 2009, applicant filed the present application, inter alia, the specification, the abstract, the claims, the drawings and the petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

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

Regarding item (2), the $1620 petition fee has been paid.

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".

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

CONCLUSION

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

It is noted that applicants have not filed an oath or declaration in compliance with 37 CFR 1.497 or the surcharge for filing such oath or declaration later than the thirty months after the priority date.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including the mailing of an appropriate Notification of Missing Requirements (Form PCT/DO/EO/905).

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

Leonard Smith
Supervisory Legal Examiner
Office of PCT Legal Administration

29 DEC 2009

United States Patent and Trademark Office

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

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
Kaljura
Application No. 12/525,526
PCT No.: PCT/GB2007/004397
Int. Filing Date: 16 November 2007
Priority Date: 12 December 2006
Att. Docket No.: 17132-102US
For: A Smoking Article And A Method And Apparatus For The Manufacture Of Smok...

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 31 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

2 1 SEP 2009

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JOHN ALEXANDER GALBREATH
2516 CHESTNUT WOODS CT
REISTERSTOWN MD 21136

In re Application of	:	
LAM	:	
Application No.: 12/525,559	:	DECISION ON
PCT No.: PCT/CN2008/000223	:	
Int. Filing Date: 30 January 2008	:	PETITION UNDER
Priority Date: 31 January 2007	:	
Attorney Docket No.: S080309	:	37 CFR 1.137(b)
For: A MULTI-PURPOSE PLUG	:	

This decision is in response to applicant's submission filed 03 August 2009.

BACKGROUND

On 30 January 2008, applicant filed international application PCT/CN2008/000223 which designated the U.S. and claimed a priority date of 31 January 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 August 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 31 July 2009.

On 03 August 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

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 03 August 2009.

As to item (2), applicant submitted the petition fee on 03 August 2009.

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

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

CONCLUSION

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

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

/Daniel Stemmer/

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

22 FEB 2010

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DeMont & Breyer, LLC
100 Commons Way, Ste. 250
Holmdel NJ 07733

In re Application of
RASCHE et al.
Application No.: 12/525,693
PCT No.: PCT/EP08/00813
Int. Filing Date: 01 February 2008
Priority Date: 07 February 2007
Atty Docket No.: 9771-167US
For: CONTROL AND/OR DATA-TRANSMISSION MODULE

DECISION ON

under 37 CFR 1.497(d)

This is a decision on applicant's' "Petition for Correction of Inventorship under 37 CFR 1.48(a)", filed on 03 September 2009 in the United States Patent and Trademark Office (USPTO), requesting acceptance of the declaration in the above reference application. For the reasons set forth below, the petition is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 04 August 2009, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee and an unexecuted declaration.

On 03 September 2009, applicant filed an executed declaration along with the instant "Request to Correct Inventorship under 37 CFR 1.48(b)".

On 01 February 2010, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.

DISCUSSION

At the outset, it is noted that 37 CFR 1.48(a) is directed to non-provisional applications. A national stage application is not considered a non-provisional application until the requirements of 35 U.S.C. 371 are complete. Thus, a petition under 37 CFR 1.48(a) does not apply to the instant application at this time. Such request to correct inventorship is treated as a petition under 37 CFR 1.497(d), to correct an inventive entity if different from the inventive entity identified in the international application.

Alexander Rasche was named as the sole inventor in the published international application PCT/EP08/00813. Applicant now requests the addition of inventors Hans-Peter Hudetz and Udo Haumersen.

Petition under 37 CFR 1.497(d)

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d)

names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statements of the Hans-Peter Hudetz and Udo Haumersen, inventors to be added, in support of the correction of inventorship under 37 CFR 1.497(d). A review of the application file reveals that the petition fee of $130 was paid. Applicant also submitted the written consent of the assignee to add Hans-Peter Hudetz and Udo Haumersen as inventors. With regard to applicant's petition, applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Hans-Peter Hudetz and Udo Haumersen as inventors in the above-identified international application.

The declaration submitted on 03 September 2009 is in compliance with 37 CFR 1.497(a) and (b).

However, the 01 February 2010 Notification of Missing Requirements remains in effect as the $130 surcharge for filing the declaration after the thirty month period remains outstanding.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventors Hans-Peter Hudetz and Udo Haumersen is **GRANTED**.

The United States Designated/Elected Office will await applicant's further reply to the Notification of Missing Requirements.

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

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.
12/525,701	08/04/2009	Sang-Heon Lee	3315.004	1583

23405 7590 04/09/2010

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER	
ART UNIT	PAPER NUMBER
2182	

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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Heslin Rothenberg Farley & Mesiti PC
5 Columbia Circle
Albany, NY 12203

In re Application of: Lee S.
Application No. 12/525,701
Filed: August 4, 2009
For: Computer peripheral device implemented as optic storage device and/or removable disk by software emulation and implementing method thereof

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 December 08, 2009 to make the above-identified application special.

The petition is **GRANTED.**

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

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

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the **KIPO**, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the **KIPO** application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 **KIPO** application(s) and
b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the **KIPO** application(s) containing the allowable/patentable 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 **KIPO** application is a first action allowance then no office action from the **KIPO** is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a or b 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 **KIPO** 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 **KIPO** examiner in the **KIPO** 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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JUN 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of :
SATO, MITSUHIKO et al :
Application No. 12/525,747 :
Filed: August 04, 2009 :
Attorney Docket No. 02922.137457. :

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 21, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and

(8) The 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 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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MAILED

MAY 21 2010

OFFICE OF PETITIONS

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

In re Application of
Anthony Karo
Application No. 12/525,839
Filed: August 5, 2009
Attorney Docket No. **202773.00009**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 15, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office 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 to 37 CFR 10.40.

The request was signed by Scott M. Oldham on behalf of all attorneys of record who are associated with Customer Number 21324.

All attorneys/agents associated with Customer Number 21324 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 Anthony Karo at the address list listed in the request.

There is an outstanding Office action mailed January 14, 2010, that requires a reply from the applicant.

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

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Anthony Karo
4301 N. Ocean Blvd, 1607-A
Boca Raton, FL 33431

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Cohen, Pontani, Lieberman & Pavane LLP
551 Fifth Avenue
Suite 1210
New York NY 10176

In re Application of:
FROEHLICH et al
U.S. Application No.: 12/525,862
PCT Application No.: PCT/EP2008/051251
International Filing Date: 01 February 2008
Priority Date: 14 February 2007
Attorney's Docket No.: 502901-535PUS
For: DELIVERY UNIT

DECISION

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

BACKGROUND

On 01 February 2008, applicants filed international application PCT/EP2008/051251. 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 submission of the basic national fee was thirty months from the priority date, i.e., 14 August 2009.

On 05 August 2009, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a preliminary amendment, an application data sheet (ADS), a copy of international application PCT/EP2008/051251, and payment of the basic national fee. The materials filed by applicants, including the ADS, identified the international application number as PCT/EP2008/0512151. However, as evidenced by the Electronic Acknowledgement Receipt, the bibliographic information provided by applicants during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international application PCT/EP2008/051251. Thus, the initial application materials filed 05 August 2009 identified two different international application numbers to which the national stage application was purportedly directed.

On 01 September 2009, applicants filed an executed declaration (directed to PCT/EP2008/051251) and the surcharge for filing the declaration later than thirty months after the priority date.

DISCUSSION

A grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. Such correction is necessary before the materials filed 05 August 2009, including the basic national fee payment, may be treated as having been directed to either of the listed international applications, as necessary to avoid abandonment of such international applications with respect to the United States. The petition must include the following: (1) payment of the $400 petition fee; (2) a statement confirming the correct international application number, accompanied by a revised Form PTO 1390 Transmittal Letter (and ADS, if necessary) in which the correct international application number is listed; and (3) an indication that the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the priority date.

CONCLUSION

As discussed above, a grantable petition under 37 CFR 1.182 is required to correct the inconsistent international application numbers provided by applicants herein and thereby avoid abandonment of the applicable international application.

Applicants have TWO (2) MONTHS from the mail date of the present Communication to file the required petition under 37 CFR 1.182, the requirements of which are set forth above.

Failure to file a timely and proper response will result in abandonment of the present application. Extensions of time are available under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

12 JAN 2010

Commissioner for Patents
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Cohen, Pontani, Lieberman & Pavane LLP
551 Fifth Avenue
Suite 1210
New York NY 10176

In re Application of:	:	
FROEHLICH et al	:	
U.S. Application No.: 12/525,862	:	
PCT Application No.: PCT/EP2008/051251	:	
International Filing Date: 01 February 2008	:	DECISION
Priority Date: 14 February 2007	:	
Attorney's Docket No.: 502901-535PUS	:	
For: DELIVERY UNIT	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 to Correct International Application Number" filed 02 December 2009. The petition seeks to correct the bibliographic data (international application number) for the national stage application papers filed 05 August 2009, so as to allow such materials to be treated as the U.S. national stage of PCT/EP2008/051251. The required $400 petition fee has been submitted.

BACKGROUND

On 01 February 2008, applicants filed international application PCT/EP2008/051251. The international application claimed a priority date of 14 February 2007. 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 submission of the basic national fee was thirty months from the priority date, i.e., 14 August 2009.

On 05 August 2009, applicants filed papers to initiate a U.S. national stage application using the EFS-Web electronic filing system. This submission included, among other materials, a preliminary amendment, an application data sheet (ADS), a copy of international application PCT/EP2008/051251, and payment of the basic national fee. The materials filed by applicants, including the ADS, identified the international application number as PCT/EP2008/0512151. However, as evidenced by the Electronic Acknowledgement Receipt, the bibliographic information provided by applicants during the electronic filing process identified the application as the U.S. national stage under 35 U.S.C. 371 of international application PCT/EP2008/051251. Thus, the initial application materials filed 05 August 2009 identified two different international application numbers to which the national stage application was purportedly directed.

On 01 September 2009, applicants filed an executed declaration (directed to PCT/EP2008/051251) and the surcharge for filing the declaration later than thirty months after the priority date.

On 02 December 2009, applicants filed a "Petition under 37 CFR 1.182 to Correct International Application Number."

DISCUSSION

The bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 05 August 2009 can be treated as having been directed to international application PCT/EP2008/051251, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 02 December 2009, applicants confirm that the listing of international application PCT/EP2008/0512151 set forth in the Transmittal Letter provided by applicant was the result of a typographical error, and that the correct international application is PCT/EP2008/051251. The petition also notes that the correct international was included during the electronic process, on the International Publication (WO 2008/098848), in the header of the German language document, and in the header of the amended specification as filed as part of the Preliminary Amendment submitted with the application. The Transmittal Letter filed 02 December 2009 is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/EP2008/051251. These materials satisfy the requirements for a grantable petition to correct the typographical error in the Transmittal Letter filed 02 December 2009 and to permit such materials to be treated as having been directed to international application PCT/EP2008/051251.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/EP2008/051251.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

3 1 AUG 2009

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TEXAS INSTRUMENTS INCORPORATED
P.O. BOX 655474, M/S 3999
DALLAS TX 75265

In re Application of	:	
HOULDSWORTH	:	
Application No.: 12/526,017	:	
PCT No.: PCT/US2007/082246	:	DECISION ON PETITION
Int. Filing Date: 23 October 2007	:	
Priority Date: 23 October 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: TI-65866	:	
For: CELL BASED TEMPERATURE MONITORING	:	

The petition to revive under 37 CFR 1.137(b) filed 05 August 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 23 October 2007 under 35 U.S.C. 363 and will be given a date of **05 August 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
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

31 AUG 2009

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

DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

In re Application of	:	
BICHLER, et al.	:	
Application No.: 12/526,127	:	
PCT No.: PCT/IL2007/001005	:	DECISION ON PETITION
Int. Filing Date: 12 August 2007	:	
Priority Date: 10 August 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 09028	:	
For: BAG DISPENSING MACHINE FOR UPWARD DISPENSING	:	

The petition to revive under 37 CFR 1.137(b) filed 06 August 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 12 August 2007 under 35 U.S.C. 363 and will be given a date of **06 August 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
Fax: (571) 273-0459

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.
12/526,176	10/01/2009	John Bradley Miocevich	WAT-PT012	4363

3624 7590 03/12/2010

VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
03/12/2010	PAPER

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

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

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

Applicant: Miocevich
Appl. No.: 12/526,176
Filing Date: October 1, 2009
Title: MARINE PROPELLER PITCH ADJUSTMENT MEANS
Attorney Docket No.: WAT-PT012
Pub. No.: US 2010/0008780 A1
Pub. Date: January 14, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 3, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. It is also noted that the Applicant did not provide a complete clean copy of the application for publication purposes. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following

website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

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

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy A. Kantz

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 03/12/2010 KKING1
03/04/2010 INTEFSW 00001328 12526176
01 FC:1504 -300.00 DP

Refund Ref:
03/12/2010 0030081036

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXXX1163

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
Rios, et al. :
Application No. 12/526,585 : DECISION ON PETITION
Filed: August 10, 2009 : TO MAKE SPECIAL
Attorney Docket No. **SCIC-068/01US** : 37 CFR 1.102
:

This is a decision on the petition under 37 CFR 1.102 filed March 10, 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 1614 for action on the merits commensurate with this decision.

Anthony Knight
Supervisory Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

20 AUG 2009

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Pepper Hamilton LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219

In re Application of :
WYPIJEWSKI et al. :
Application No.: 12/526,612 : DECISION ON PETITION
PCT No.: PCT/GB2008/050061 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 January 2008 :
Priority Date: 30 January 2007 :
Attorney Docket No.: 129530.02701 :
For: INHIBITION OF GENE EXPRESSION :

The petition to revive under 37 CFR 1.137(b) filed 10 August 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

1 OCT 2009

United States Patent and Trademark Office

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P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

In re Application of :
Miller et al. :
Application No. 12/526,696 :
PCT No.: PCT/US2007/081533 :
Int. Filing Date: 16 October 2007 : DECISION
Priority Date: 16 October 2006 :
Att. Docket No.: 176-62202 (6-1549) :
For: Tripodal Cyclohexane Derivatives And :
Their Use As Carbohydrate Receptors :

The petition to revive under 37 CFR 1.137(b) filed on 11 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

The $65.00 surcharge under 37 CFR 1.492(h) is being charged to Deposit Account 14-1138, per the authorization included in the Transmittal Letter filed on 11 August 2009.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 August 2009**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/526,725		Toru MAEDA	SHIN 24.006(339243-00005)	9031

26304 7590 10/16/2009
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
10/16/2009	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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KATTEN MUCHIN ROSENMAN LLP
575 Madison Avenue
New York, NY 10022-2585

In re Application of
Toru MAEDA
Application No.: 12/526,725
Filed: n/a
Attorney Docket No.: SHIN 24.006
(339243-00005)
For: BONDING APPARATUS AND BONDING METHOD

: 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 25 September 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;

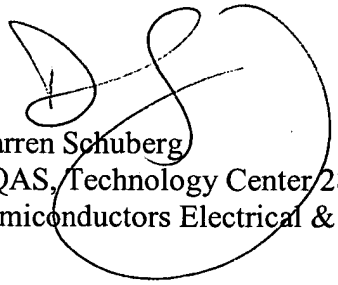
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application 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).

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 will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



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

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.
12/526,730		Toru MAEDA	SHIN 24.005(339243-00004)	9057

26304 7590 11/25/2009
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
11/25/2009	PAPER

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

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

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of
Toru MAEDA
Application No.: 12/526,730
Filed: 11 August 2009
Attorney Docket No.: SHIN 24.005
For: BONDING APPARATUS AND BONDING METHOD

: 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 25 September 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

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

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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).

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

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

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

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

31 AUG 2009

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PAUL D. BIANCO
Fleit Gibbons Gutman Bongini & Bianco PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI FL 33180

In re Application of	:	
SLATTERY	:	
Application No.: 12/526,757	:	
PCT No.: PCT/US07/64735	:	DECISION ON PETITION
Int. Filing Date: 22 March 2007	:	
Priority Date: 22 March 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 7834-X09-020	:	
For: PORTABLE EXERCISE DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 11 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the above-identified U.S. national stage application from the 30 months deadline until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National Fee. 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 22 March 2007 under 35 U.S.C. 363 and will be given a date of **11 August 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
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/526,765		Sung Duck Chun	2101-3675	9372

35884 7590 01/08/2010

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

NOTIFICATION DATE	DELIVERY MODE
01/08/2010	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):

uspto@lhlaw.com
ip.lhlaw@gmail.com
ip.lhlaw@live.com

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JAN 0 8 2010

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

In re Application of	:	
CHUN, SUNG DUCK	:	DECISION ON REQUEST TO
Application No. 12/526,765	:	PARTICIPATE IN PATENT
Filed: August 11, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2101-3675	:	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 26 October 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) 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);
(3) 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;
(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 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 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, Ph.D.
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

14 OCT 2009

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PATENT CENTRAL LLC
STEPHAN A. PENDORF
1401 HOLLYWOOD BOULEVARD
HOLLYWOOD, FL 33020

In re Application of BADWAN et al	:	
U.S. Application No.: 12/526,798	:	
PCT Application No.: PCT/EP2008/000294	:	
Int. Filing Date: 28 January 2008	:	
Priority Date Claimed: 09 February 2007	:	DECISION
Attorney Docket No.: 3524.040	:	
For: COMPOSITION COMPRISING CHITOSAN AND AN ACIDIC DRUG FOR ORAL CONTROLLED RELEASE	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 12 August 2009.

BACKGROUND

On 28 January 2008, applicant filed international application PCT/EP2008/000294, which claimed priority of an earlier European Patent Office application filed 09 February 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 14 August 2008. The thirty-month period for paying the basic national fee in the United States expired on 10 August 2009.

On 11 August 2009, international application PCT/EP2008/000294 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 August 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

UNITED STATES PATENT AND TRADEMARK OFFICE

19 FEB 2010

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Joseph R. Baker, APC
Gavrilovich, Dodd & Lindsey LLP
4660 La Jolla Village Drive, Suite 750
San Diego CA 92122

In re Application of:
RENDINA, Louis, M. et al.
U.S. Application No.: 12/526,844
PCT Application No.: PCT/AU2008/000198
International Filing Date: 15 February 2008
Priority Date: 16 February 2007
Attorney's Docket No.: 00035-002US1
For: CARBORANE-PHOSPHONIUM COMPOUNDS AND THEIR USE IN BORON NEUTRON CAPTURE THERAPY AND IMAGING

DECISION

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 12 February 2010. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 12 January 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original national stage materials filed on 12 August 2009 referred to two different international applications, PCT/**AU**2008/000198 and PCT/**US**2008/000198.

On 12 February 2010, applicants filed the "Petition Under 37 CFR 1.182" considered herein.

DISCUSSION

The present petition confirms that correct international application number for the present national stage application is PCT/**AU**2008/000198 and that the indication of international application PCT/ **US**2008/000198 during the electronic filing process was the result of a typographical error. Applicants note that the correct international application number was contained in the materials filed on 12 August 2009 (e.g., on the application data sheet and the Transmittal Letter). Finally, applicants' petition included payment of the $400 petition fee required with respect to a petition under 37 CFR 1.182.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number indicated during the electronic filing process. Accordingly, the materials filed herein on 12 August 2009, including the payment of the basic national fee, will be treated as having been directed to international application PCT/AU2008/000198.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 12 August 2009 will be treated as the U.S. national stage of PCT/AU2008/000198. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application.

The application is being referred for examination. As set forth in the "Notification Of Acceptance" (Form PCT/DO/EO/903) mailed 27 January 2010, the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 12 August 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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UNITED STATES PATENT AND TRADEMARK OFFICE

23 SEP 2009

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BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON OH 44317

In re Application of	:	
OBEREINER	:	
U.S. Application No.: 12/526,897	:	DECISION ON PETITION
PCT No.: PCT/US2008/001495	:	
Int. Filing Date: 05 February 2008	:	UNDER 37 CFR 1.137(b)
Priority Date: 08 February 2007	:	
Attorney Docket No.: P06059US2A (P443)	:	
For: PACKAGED PRIMER AND SCRUB PAD	:	

The petition to revive under 37 CFR 1.137(b) filed 12 August 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 C.F.R. § 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2009

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of	:	
GUAN, Cuntai, et al.	:	
Application No.: 12/527,050	:	
PCT No.: PCT/SG2008/000048	:	
Int. Filing Date: 11 February 2008	:	DECISION
Priority Date: 09 February 2007	:	
Attorney's Docket No.: ECS-PT021	:	
For: A SYSTEM AND METHOD FOR PROCESSING BRAIN SIGNALS IN A BCI SYSTEM	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 13 August 2009.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 6 APR 2010

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SHELL OIL COMPANY
P O BOX 2463
HOUSTON, TX 77252-2463

In re Application of ALLEN et al :
U.S. Application No.: 12/527,058 :
PCT Application No.: PCT/US2008/053784 :
Int. Filing Date: 13 February 2008 : DECISION
Priority Date Claimed: 15 February 2007 :
Attorney Docket No.: TH3166 US :
For: VORTEX INDUCED VIBRATION :
SUPPRESSION SYSTEMS AND METHODS :

This is in response to applicant's correspondence filed 05 January 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 13 February 2008, applicant filed international application PCT/US2008/053784, which claimed priority of an earlier United States application filed 15 February 2007. The thirty-month period for paying the basic national fee in the United States expired on 17 August 2009.

On 13 August 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 03 November 2009, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 05 January 2010, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration states that inventor David McMillan is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 05 January 2010 is in compliance with 37 CFR 1.42 and 1.497.

Applicant is advised that the submission of a declaration executed by the heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 February 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 05 January 2010.

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

22 SEP 2009

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CLARIANT CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
4000 MONROE ROAD
CHARLOTTE, NC 28205
UNITED STATES

In re Application of: ROESCH, Norbert	:	DECISION
Application No.: 12/527,061	:	
PCT Application No.: PCT/EP08/01082	:	ON PETITION
Int. Filing Date: 13 February 2008	:	
Priority Date: 19 February 2007	:	UNDER
Attorney Docket No.: 2007DE001	:	
For: LAMINATES COMPRISING METAL OXIDE NANOPARTICLES		37 CFR 1.137(b)

Applicant's "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 28 August 2009 is **GRANTED**.

BACKGROUND

On 13 February 2008, applicant filed international application PCT/EP08/01082. This international application claims a priority date from German Application 10 2007 008 468.6 filed 19 February 2007 and designates the United States. The deadline for entry into the United States National Stage was thirty months from this priority date, that is 19 August 2009. On 13 August 2009, applicant filed purported national stage papers in the United States Designated/ Elected Office (DO/EO/US). The submission did not include the requisite basic national fee. On 20 August, the present application became abandoned as to the United States for failure to pay the basic national fee.

On 28 August 2009, applicant filed the instant petition for revival accompanied by, *inter alia*, a declaration describing the events that led to the unintentional abandonment, and the petition fee as required by 37 CFR 1.17(m).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first

became aware of the abandoned status of the application. 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).

The submission of the basic national fee satisfies 37 CFR 1.137(b)(1). The payment of the petition fee satisfies the requirement under 37 CFR 1.137(b)(2). Applicant's statement in the petition that "The entire delay in filing the required reply from the due date for the required reply, until the filing of the grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an international filing date of 13 February 2008 under 35 U.S.C. 363 and a date of **28 August 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Bryan Lin
PCT Legal Administration

Patrick Connolly
Detailee
Telephone: (571) 272-2412

12 FEB 2010

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Alexandria, VA 22313-1450
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

In re Application of :
HAHN, Mikyoung, et al. :
Application No.: 12/527,120 :
PCT No.: PCT/KR2008/000661 :
Int. Filing Date: 04 February 2008 : DECISION
Priority Date: 15 February 2007 :
Attorney Docket No.: H0595.0074/P074 :
For: THIXOTROPIC PHARMACEUTICAL :
COMPOSITIONS :

This decision is in response to applicants' submission under MPEP 201.03, filed with the United States Patent and Trademark Office on 13 August 2009.

BACKGROUND

On 13 August 2009, applicants filed a transmittal letter to the Designated/Elected Office in the United States, accompanied by the basic national fee, a declaration and a statement under MPEP 201.03.

DISCUSSION

The international application lists the first inventor as "Mi-Kyoung Han," and the fifth as "Heon Kook," while the declaration lists the first inventor as "Mikyoung Hahn," and the fifth as Applicants state this discrepancy is the result of a typographical error and that the correct spelling of the inventors' names are as stated on the declaration. The declaration filed 13 August 2009 complies with 37 CFR 1.497(a)-(b).

CONCLUSION

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

27 APR 2010

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Alexandria, VA 22313-1450
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Cooley Godward Kronish LLP
Attn: Patent Group
Suite 1100
777 - 6th Street, NW
Washington, D.C. 20001

In re Application of :
LIU et al. :
Application No.: 12/527,302 :
PCT No.: PCT/US2008/053965 : DECISION ON PETITION
Int. Filing Date: 14 February 2008 :
Priority Date: 15 February 2007 :
Attorney Docket No.: :
YALE-104/03US 306577-2220
For: HERBAL COMPOSITION PHY906 AND ITS USE IN CHEMOTHERAPY

This decision is in response to applicants' "Petition under 37 CFR 1.78(a)(3)" filed 20 January 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional and international applications set forth in the amendment filed concurrently with the instant petition. Because the application claims priority to a prior filed provisional application, the petition is also being treated as a petition under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application.

The petitions are **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the

claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above for the following reasons:

1) The amendment submitted concurrently with the instant petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the instant petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

2) The amendment fails to state the relationship of International Application No. PCT/US01/007353 filed March 08, 2001, to 09/522,055 filed March 09, 2000. (See 37 CFR 1.78(a)(2)(i)) The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of International Application No. ---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. ---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. See MPEP Section 201.11, Reference to Prior Application.

Before the petition under 37 CFR § 1.78(a)(3) and (a)(6) can be granted, a renewed petition and either an Application Data Sheet (37 CFR 1.76(a)(5)) or a proper amendment (complying with the provisions of 37 CFR 1.121) to correct the above matters are required.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298.

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.

Boris Milef
Legal Examiner
PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

29 JUN 2010

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Cooley Godward Kronish LLP
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Suite 1100
777 - 6th Street, NW
Washington, D.C. 20001

In re Application of :
LIU et al. :
Application No.: 12/527,302 :
PCT No.: PCT/US2008/053965 : DECISION ON PETITION
Int. Filing Date: 14 February 2008 :
Priority Date: 15 February 2007 :
Attorney Docket No.: :
YALE-104/03US 306577-2220
For: HERBAL COMPOSITION PHY906 AND ITS USE IN CHEMOTHERAPY

This decision is issued response to applicants' "Renewed Petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6)" filed 04 May 2010 to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed applications are submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§1.78(a)(3) and 1.78(a)(6) in that (1) a proper reference to the prior-filed applications has been included in an amendment to the first sentence of the specification, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition. Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1655 for appropriate action on the amendment submitted 04 May 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications.

Boris Milef
Legal Examiner
PCT Legal Administration

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HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	DECISION ON PETITION
Application No. 12/527,389	:	TO WITHDRAW
Filed: August 14, 2009	:	FROM RECORD
Attorney Docket No. 481315-009	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 12, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Husch Blackwell Sanders LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Application Data Sheet filed August 14, 2009 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Declaration filed August 14, 2009.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

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

- 3 FEB 2010

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of	:	
Yvin et al.	:	
Application No.: 12/527,536	:	DECISION
PCT No.: PCT/EP2008/001046	:	
Int. Filing Date: 12 February 2008	:	ON
Priority Date: 16 February 2007	:	
Attorney Docket No.: 3340.268WOUS	:	PETITION
For: Injector For Injecting A Substance Into Eggs	:	

This is in response to the petition under 37 CFR 1.47(a) filed on 15 December 2009.

BACKGROUND

This international application was filed on 12 February 2008, claimed an earlier priority date of 16 February 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 21 August 2008. The 30 month time period for paying the basic national fee in the United States expired at midnight on 17 August 2009 (since 16 August 2009 was a Sunday). Applicants filed *inter alia* the basic national fee on 17 August 2009.

On 15 September 2009, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee is being charged to Deposit Account 16-0631.

Regarding **requirement (2)**, petitioner has provided a "Declaration" signed by Emilie Lavirotte, who states that she sent a letter to Michael Nadreau on 15 October 2009, accompanied by *inter alia* a copy of the application and a declaration. She further states that Mr. Nadreau indicated he had received the correspondence and that he "expressed his refusal to sign the documents" during a telephone conversation on 26 October 2009. This is accompanied by a copy and translation of the 15 October 2009 letter. Petitioner has also provided a "Declaration" signed by Rachel Guillas, who states in part that, on 29 October 2009, Mr. Nadreau "confirmed to me by phone that he is refusing to sign the declaration and power of attorney, and assignment documents that were sent to him by registered mail..." Based on the totality of the evidence

currently of record, it would be appropriate to conclude that Mr. Nadreau has refused to execute the application within the meaning of 37 CFR 1.47(a).

Regarding **requirement (3)**, the petition explicitly states the last-known address of the non-signing inventor.

Regarding **requirement (4)**, the declaration filed on 15 December 2009 satisfies this requirement.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

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

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 December 2009**.

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

- 3 FEB 2010

United States Patent and Trademark Office

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Michael Nadreau
5 rue de General Leclerc
Landivisiau, F-29400
FRANCE

In re Application of
Yvin et al.
Application No.: 12/527,536
PCT No.: PCT/EP2008/001046
Int. Filing Date: 12 February 2008
Priority Date: 16 February 2007
Attorney Docket No.: 3340.268WOUS
For: Injector For Injecting A Substance Into Eggs

Dear Mr. Nadreau
:

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) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for 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).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 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

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Michael NADREAU) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/EP2008/001046 and was filed on February 12, 2008 in the names of Jean-Claude YVIN, Michael NADREAU and Ephrem ADJANOHOUN for the invention entitled INJECTOR FOR INJECTING A SUBSTANCE INTO EGGS. The national stage application number is 12/527,536 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of December 15, 2009.

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0 8 OCT 2009

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00570
PANITCH SCHWARZE BELISARIO & NADEL LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103

In re Application of :
WESTON, Terence E. :
U.S. Application No.: 12/527,575 :
PCT No.: PCT/US2007/017455 : **DECISION ON**
Int. Filing Date: 06 August 2007 : **PETITION UNDER**
Priority Date: 04 August 2006 : **37 CFR 1.137(b)**
Attorney Docket No.: 8567-828US :
For: SAFETY NEEDLE ACCESSORY :

Applicant's petition to revive under 37 CFR 1.137(b) filed on 18 August 2009 is hereby **GRANTED** as follows:

The basic national fee and petition fee has been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee was submitted on 27 August 2009.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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25 FEB 2010

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of: LIN, Jing, et al.
U.S. Application No.: 12/527,604
PCT No.: PCT/CN2008/000075
International Filing Date: 11 January 2008
Priority Date: 17 January 2007
Attorney Docket No.: SHOU-132NP
For: LIFTING-COVER TYPE FRYING-ROASTING DEVICE

DECISION

This decision is issued in response to the petition for revival under 37 CFR 1.137(b) filed 18 August 2009. Applicants have paid the required petition fee.

BACKGROUND

On 11 January 2008, applicants filed international application PCT/CN2008/000075. The application claimed a priority date of 17 January 2007, and it designated the United States. On 31 July 2008, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for requesting entry into the national stage in the United States and payment of the basic national fee was thirty months from the priority date, i.e., 17 July 2009.

Applicants did not file a request for entry into the national stage in the United States and payment of the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, PCT/CN2008/000075 became abandoned with respect to the United States at midnight on 17 July 2009.

On 18 August 2009, applicants filed a request for entry into the national stage for PCT/CN2008/000075 accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and the petition for revival of the international application under 37 CFR 1.137(b) discussed herein.

DISCUSSSION

The present petition, and the required statement of unintentional delay contained therein, was not executed by the applicants or their attorney. Before the petition for revival may be considered on the merits, a properly executed petition must be submitted. Until such materials are provided, the present application remains abandoned.

CONCLUSION

As discussed above, the petition for revival filed 018 August 2009 is not properly signed by applicant or applicants' attorney and therefore cannot be considered on the merits at this time.

International application PCT/CN2008/000075 remains abandoned with respect to the United States.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

22 MAR 2010

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RABIN & BERDO, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of: LIN, Jing, et al.	:	
U.S. Application No.: 12/527,604	:	
PCT No.: PCT/CN2008/000075	:	DECISION
International Filing Date: 11 January 2008	:	
Priority Date: 17 January 2007	:	
Attorney Docket No.: SHOU-132NP	:	
For: LIFTING-COVER TYPE FRYING-ROASTING DEVICE	:	

This decision is issued in response to the executed petition for revival under 37 CFR 1.137(b) filed 05 March 2010. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 25 February 2010. That decision confirmed that international application PCT/CN2008/000075 was abandoned with respect to the United States, and it indicated that the petition for revival under 37 CFR 1.137(b) filed by applicants on 18 August 2009 could not be considered on the merits because it was not signed by the applicants or their attorney.

On 05 March 2010, applicants filed the executed petition for revival of the international application under 37 CFR 1.137(b) considered herein.

DISCUSSSION

The present petition for revival was properly executed. Applicants had previously submitted payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

CONCLUSION

The petition for revival of international application PCT/CN2008/000075 under 37 CFR 1.137(b) is **GRANTED.**

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 August 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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1 9 OCT 2009

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GEORGE KAPSALAS
Patentburo Paul Rosenich AG
BGZ
Triesenberg FL-9497
LIECHTENSTEIN

In re Application of	:	
Friberg et al.	:	
Application No. 12/527,866	:	
PCT No.: PCT/IB2008/050415	:	
Int. Filing Date: 05 February 2008	:	DECISION
Priority Date: 05 February 2007	:	
Att. Docket No.: 111PUS	:	
For: Control Valve For Respiratory Defects	:	

The petition to revive under 37 CFR 1.137(b) filed on 19 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), the surcharge under 37 CFR 1.492(h) and the processing fee under 37 CFR 1.492(i).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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21 DEC 2009

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Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

In re Application of	:	
SCHRÖDER, Detlev	:	
Application No.: 12/527,890	:	
PCT No.: PCT/EP2008/001940	:	
Int. Filing Date: 12 March 2008	:	DECISION
Priority Date: 10 May 2007	:	
Attorney Docket No.: 135702.01901(355027)	:	
For: METHOD FOR FILLING BULK MATERIAL	:	

This decision is in response to "Request For Corrected Electronic Acknowledgment Receipt," filed in the United States Patent and Trademark Office on 20 August 2009.

BACKGROUND

On 20 August 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The electronic information entered upon filing indicated this application was a national phase of PCT/EP2008/001940. The papers listed international application no. PCT/EP2008/052032.

On the same day, applicants filed a request for a corrected electronic acknowledgment receipt, indicating that the application was a national phase of PCT/EP2008/052032.

On 18 November 2009, applicants a declaration of the inventor for PCT/EP2008/052032.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

As applicants have listing conflicting international application numbers, applicant is required to identify which application number is correct and to furnish a petition under 37 CFR 1.182 along with the fee to correct the erroneous indication.

CONCLUSION

For the reasons discussed above, the request for a corrected Electronic Acknowledgment Receipt is **DISMISSED** without prejudice.

A proper response is required within **TWO (2) MONTHS** of the mailing of this notification. Failure to timely reply will result in the abandonment of this application.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

16 FEB 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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Pepper Hamilton LLP
400 Berwyn Park
899 Cassatt Road
Berwyn PA 19312-1183

In re Application of :
BONETTI, Josyane :
Application No.: 12/527,890 :
PCT No.: PCT/EP2008/052032 :
Int. Filing Date: 20 February 2008 : DECISION
Priority Date: 21 February 2007 :
Attorney Docket No.: 135702.01901(355027) :
For: 5-LAYER BARRIER FILM, SEALING : PROCESS AND USE THEREOF FOR : PACKAGING FOOD :

This decision is in response to applicant's petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 06 January 2010.

BACKGROUND

On 21 December 2009, the Office mailed Decision, refusing applicant's request for a corrected filing receipt and advising that to correct the conflicting national phase indications, applicant should file a petition under 37 CFR 1.182.

On 06 January 2010, applicant filed a petition under 37 CFR 1.182 to correct the national phase data.

On 22 January 2010, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt, indicating that the application was a national phase of PCT/EP2008/001940.

DISCUSSION

Applicant indicates that this application was intended to be the national phase of PCT/EP2008/052032. Applicant has paid the required petition fee. The indications in this application will be corrected to indicate that this is a national phase of PCT/EP2008/052032.

The Notification of Acceptance and Filing Receipt both indicate that this is a national phase of an application other than PCT/EP2008/052032. They are vacated.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.182 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) and Filing Receipt mailed 22 January 2010 are **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 07 2010

Cohen, Pontani, Lieberman & Pavane, LLP
551 Fifth Avenue
Suite 1210
New York, NY 10176

In re application of Jørgen Hallundbaek et al. Application No. 12/528,035 Filed: August 20, 2009 For: DRILLING HEAD FOR REBORING A STUCK VALVE	:	**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) pilot 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 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. PCT international applications (including national stage applications filed under 35 U.S.C. 371) are excluded;

(2) Applicant must submit a copy of the allowable claims from the EPO application(s);

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the 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 (which are relevant to patentability) or a copy of the positive Extended European Search Report (EESR) from each of the EPO application(s) containing the allowable claims;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action or in the positive EESR 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 fail to satisfy requirements (1) and (5) above. With regards to requirement (1), the U.S. application is a national stage application filed under 35 U.S.C. 371 and thus is not eligible to participate in the PPH pilot program between the U.S. and the EPO. With regards to requirement (5), the submission of the Written Opinion and the International Preliminary Report of Patentability from the PCT application is not an EESP. Applicant should consider filing a petition and request to participate in the PCT-PPH pilot program between the U.S. and EPO based on PCT work products.

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

4/6/10

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APR 2 1 2010

Cohen, Pontani, Lieberman & Pavane, LLP
551 Fifth Avenue
Suite 1210
New York, NY 10176

In re application of Jørgen Hallundbaek et al. Application No. 12/528,035 Filed: August 20, 2009 For: DRILLING HEAD FOR REBORING A STUCK VALVE	:	**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 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (Written Opinion/ISA, WO/IPEA or IPER) along with an English translation thereof and a statement that the English translation is accurate (if the documents are not in the English language);

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

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

(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; (if the documents are not in the English language)

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

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

In light of the petition being properly identified as a submission under the PPH pilot program between the USPTO and EPO based on PCT work product, and because the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

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

4/20/10

22 FEB 2010

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
MATTSSON et al.	:	
Application No.: 12/528,059	:	DECISION ON
PCT No.: PCT/DK2007/000540	:	
Int. Filing Date: 10 December 2007	:	PETITION UNDER
Priority Date: 08 December 2006	:	
Attorney Docket No.: 1034279-000085	:	37 CFR 1.137(b)
For: DEEP BLUE EXTENDED SUPER CONTINUUM LIGHT SOURCE	:	

This decision is in response to applicants submission filed 20 August 2009.

BACKGROUND

On 10 December 2007, applicant filed international application PCT/DK2007/000540 which designated the U.S. and claimed a priority date of 08 December 2006. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 June 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 June 2009.

On 20 August 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

As to item (1), applicant submitted the basic national fee on 20 August 2009.

As to item (2), applicant submitted the petition fee on 20 August 2009.

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

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

CONCLUSION

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

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

/Daniel Stemmer/

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

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CHALKER FLORES, LLP
2711 LBJ FRWY
Suite 1036
DALLAS TX 75234

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DEC 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Aya Ilda	:	
Application No. 12/528,066	:	NOTICE
Effective Date: August 20, 2009	:	
Attorney Docket No. HRTA:1000	:	

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 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 Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

17 SEP 2009

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

In re Application of	:	
JUNG	:	
Application No.: 12/528,117	:	
PCT No.: PCT/KR2007/003507	:	DECISION ON PETITION
Int. Filing Date: 20 July 2007	:	
Priority Date: 21 July 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 50413/042001	:	
For: A HOLLOW TYPE MICRONEELDLE AND METHODS FOR PREPARING IT	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 21 August 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 20 July 2007 under 35 U.S.C. 363 and will be given a date of **21 August 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
Fax: (571) 273-0459

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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.
12/528,138	10/15/2009	Peter Weichbold	30020-220US1	1871

80841 7590 02/24/2010

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
02/24/2010	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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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
WEICHBOLD et al.	:	DECISION ON PETITION
Application No. 12/528,138	:	TO MAKE SPECIAL UNDER
Filed: 15 October 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-220US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 30 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

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.
12/528,140	10/15/2009	Martin Fischer	30020-230US1	1878

80841 7590 03/10/2010

Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
03/10/2010	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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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
FISCHER et al.	:	DECISION ON PETITION
Application No. 12/528,140	:	TO MAKE SPECIAL UNDER
Filed: 21 August 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-230US1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, 30 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,161	08/21/2009	Kazuya Watanabe	Q114621	1975

23373 7590 03/25/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
03/25/2010	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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Alexandria, VA 22313-1450
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MAR 24 2010

Sughrue, Mion, PLLC
2100 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20037

In re application of
Kazuya Watanabe et al.
Application No. 12/528,161
Filed: August 21, 2009
For: PARKING ASSIST APPARATUS

: **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 19, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

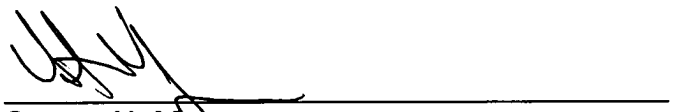
A grantable request to participate in the PPH program and petition to make special require:

(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 (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 pilot program and petition fail to include:
(3) Claims of the U.S. Application that sufficiently correspond to the allowable claims of the PCT application. Specifically, it looks like claims 1 and 6 add language that do more than modify some of the expressions. Both claims have added language that alters the scope of the claims resulting in them not sufficiently corresponding to claims 1 and 6 of the PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.



Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 3/23/10

29 SEP 2009

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TAFT STETTINIUS & HOLLISTER LLP
ONE INDIANA SQUARE, SUITE 3500
INDIANAPOLIS IN 46204

In re Application of	
RATHOD, Nainesh B., et al.	
Application No.: 12/528,230	
PCT No.: PCT/US2007/062734	DECISION
Int. Filing Date: 23 February 2007	
Priority Date: 23 February 2006	ON PETITION UNDER
Docket No.: 12618-400-US-3	
For: METHOD OF ENABLING A USER TO DRAW A COMPONENT PART AS INPUT FOR SEARCHING COMPONENT PARTS IN A DATABASE	37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 21 August 2009 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have furnished a declaration of the inventors. The fee for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 50-1438, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,443	08/28/2009	Victor Marten	B004.P002-USNP	3669

57380 7590 05/21/2010

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER	
ART UNIT	PAPER NUMBER
2841	

NOTIFICATION DATE	DELIVERY MODE
05/21/2010	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):

docket-oppedahl@oppedahl.com

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of
MARTEN et al
Application No.: 12/528,443
Filed: 28 August 2008
Attorney Docket No.: B004.P002-USNP
For: TERMINATION APPARATUS AND METHOD FOR PLANAR COMPONENTS ON PRINTED CIRCUIT BOARDS

: 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 28 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 (2-8) 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 (1), U.S. application 12/528,443 does not have an eligible relationship to one or more PCT applications where the ISA or IPEA was the JPO, EPO, or USPTO. The ISA for PCT/US08/78959 was KIPO. Accordingly, the US application is not eligible for the PCT-PPH pilot program.

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.
12/528,443	08/28/2009	Victor Marten	B004.P002-USNP	3669

57380 7590 06/10/2010

Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER	
ART UNIT	PAPER NUMBER
2841	

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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of
MARTEN et al
Application No.: 12/528,443
Filed: 28 August 2008
Attorney Docket No.: B004.P002-USNP
For: TERMINATION APPARATUS AND METHOD FOR PLANAR COMPONENTS ON PRINTED CIRCUIT BOARDS

: 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 28 April 2010 and renewed on 03 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 PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The renewed petition was filed subsequent to start date of the PCT-PPH pilot with KIPO and is being considered as the petition under the agreement.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,445	08/25/2009	Linda Zhong	M088.P-015-USNP	3700

84943 7590 05/27/2010

Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego, CA 92123

EXAMINER	
ART UNIT	PAPER NUMBER
2831	

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):

docket-oppedahl@oppedahl.com
USPTO_84943@Maxwell.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

Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego CA 92123

In re Application of
ZHONG et al
Application No.: 12/528,445
Filed: 25 August 2009
Attorney Docket No.: M088.P-015-USNP
For: ULTRACAPACITOR ELECTRODE WITH CONTROLLED SULFUR CONTENT

: 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 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 (2-8) 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 (1), U.S. application 12/528,445 does not have an eligible relationship to one or more PCT applications where the ISA or IPEA was the JPO, EPO, or USPTO. The ISA for PCT/US08/55157 was KIPO. Accordingly, the US application is not eligible for the PCT-PPH pilot program.

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.
12/528,445	08/25/2009	Linda Zhong	M088.P-015-USNP	3700

84943 7590 06/10/2010

Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego, CA 92123

EXAMINER	
ART UNIT	PAPER NUMBER
2831	

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):

docket-oppedahl@oppedahl.com
USPTO_84943@Maxwell.com

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Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego CA 92123

In re Application of	**: DECISION ON REQUEST TO**
ZHONG et al	**: PARTICIPATE IN THE PCT PATENT**
Application No.: 12/528,445	**: PROSECUTION HIGHWAY PILOT**
Filed: 25 August 2009	**: PROGRAM AND PETITION**
Attorney Docket No.: M088.P-015-USNP	**: TO MAKE SPECIAL UNDER**
For: ULTRACAPACITOR ELECTRODE WITH CONTROLLED SULFUR CONTENT	**: 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 April 2010 and renewed on 03 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 PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The renewed petition was filed subsequent to start date of the PCT-PPH pilot with KIPO and is being considered as the petition under the agreement.

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,537	08/25/2009	Linda Zhong	M088.P-016-USNP	4579

84943 7590 07/22/2010

Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego, CA 92123

EXAMINER	
HA, NGUYEN T	
ART UNIT	PAPER NUMBER
2831	

NOTIFICATION DATE	DELIVERY MODE
07/22/2010	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.

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USPTO_84943@Maxwell.com

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Maxwell Technologies, Inc. (OPLF)
9244 Balboa Avenue
San Diego CA 92123

In re Application of
ZHONG et al.
Application No.: 12/528,537
Filed: 25 August 2009
Attorney Docket No.: M088.P-016-USNP
For: ULTRACAPACITOR ELECTRODE WITH CONTROLLED IRON CONTENT

: 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 17 July 2010, to make the above-identified application special.

The request and petition are **GRANTED.**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

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

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

9 NOV 2009

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 5400
SEATTLE WA 98104

In re Application of	:	
LENZ et al.	:	
Application No.: 12/528,719	:	DECISION
PCT No.: PCT/EP2008/052371	:	
Int. Filing Date: 27 February 2008	:	
Priority Date: 27 February 2007	:	
Attorney's Docket No.: 770025.420USPC	:	
For: FIXATION OF A BIOLOGICAL MATERIAL	:	

This is a decision on applicants' petitions under 37 CFR 1.182 filed 01 October 2009. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 26 August 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter and Application Data Sheet (ADS). The international application number keyed into EFS-Web was PCT/EP08/53271. However, the Transmittal Letter and ADS indicate the international application number as PCT/EP2008/052371.

On 01 October 2009, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/EP2008/052371, reveals that the present application should in fact be the national stage application of international application **PCT/EP2008/052371**.

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/528,776		Hans Juergen MATTAUSCH	091619-0304	6769

23524 7590 11/04/2009

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER	
ART UNIT	PAPER NUMBER
2827	

MAIL DATE	DELIVERY MODE
11/04/2009	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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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

In re Application of
Hans Juergen MATTAUSCH
Application No.: 12/528,776
Filed: 26 August 2009
Attorney Docket No.: 091619-0304

For: AMPLIFIER CIRCUIT AND ASSOCIATIVE MEMORY

: 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) pilot program and the petition under 37 CFR 1.102(d), filed 14 September 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then 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 pilot program and petition satisfies all items above.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed 14 September 2009 is GRANTED. Accordingly, the above-identified application has been accorded "special" status.

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

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

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

/LWY/ for

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

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14 OCT 2009

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23980
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
5 Palo Alto Square - 6th Floor
3000 El Camino Real
Palo Alto, CA 94306-2155

In re Application of :
BOSE *et al* :
U.S. Application No.: 12/528,785 :
PCT No.: PCT/IN2007/000488 :
Int. Filing Date: 12 October 2007 : **DECISION ON**
Priority Date: 13 October 2006 : **PETITION UNDER**
Attorney Docket No.: 38371-510N01US : **37 CFR 1.137(b)**
For: NOVEL CHEMOTHERAPEUTIC :
AGENTS AGAINST INFLAMMATION :
AND CANCER :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 26 August 2009 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and petition fee has 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 in the international application under PCT Rules 4.17(iv) and 51*bis*.1(a)(iv) is not acceptable. The declaration was filed pursuant to PCT Rule 26*ter*; however, the declaration was not directed to a specific international application. *See* PCT Administrative Instructions, section 214.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) is required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BC

January 19, 2010

In re application of	:	DECISION ON REQUEST TO
Takeshi Kamegai et al.	:	PARTICIPATE IN PATENT
Serial No. 12/528,831	:	PROSECUTION HIGHWAY
Filed: August 27, 2009	:	PROGRAM AND
For: FAT AND OIL COMPOSITION IN A CONTAINER	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed December 09, 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the 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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OYEN, WIGGS, GREEN & MUTALA, LLP
480 – THE STATION
601 WEST CORDOVA STREET
VANCOUVER BC V6B 1G1 CA CANADA

MAILED

SEP 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Edward Marshall BAUDER	:	
Application No. 12/528,874	:	DECISION ON PETITION
Filed: August 27, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. B664 0004/AMF	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2009, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement made by registered attorney Blake R. Wiggs, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

This application is being referred to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

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P.O. Box 1450
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Larry L. Coats
1400 Crescent Green, Ste. 300
Cary, NC 27518

In re Application of	:	PETITION
HOJSGAARD, Soren Johannes	:	
Application No.: 12/528,918	:	DECISION
PCT No.: PCT/EP2008/015856	:	
Int. Filing Date: 15 February 2008	:	UNDER
Priority Date: 15 February 2007	:	
For: A GRIT CHAMBER AND A METHOD	:	
FOR CONTROLLING THE SAME	:	37 CFR 1.137(b)
	:	
	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R.1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 27 August 2009.

BACKGROUND

On 15 February 2008, applicant submitted international application No. PCT/EP2008/051856. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 15 August 2009.

On 27 August 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the present petition under 37 CFR 1.137(b) to revive the application and the basic national fee.

On 09 September 2009, applicant filed a declaration and a power of attorney.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

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

Regarding item (2), the $1620 petition fee has been paid.

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".

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 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 09 September 2009.

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

Richard Cole
Legal Examiner
Office of PCT Legal Administration

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In re Application of
J. Milton Harris

Application No. 12529001

Filed: August 27,2009

Attorney Docket No. P87735US01GP

:
:
: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 22-APR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

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United States Patent and Trademark Office
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In re Application of
J. Milton Harris

Application No. 12529001

Filed: August 27,2009

Attorney Docket No. P87735US01GP

:
:
: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 22-APR-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

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

UNITED STATES PATENT and TRADEMARK OFFICE

28 DEC 2009

COMMISSIONER FOR PATENTS
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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MICHAUD-Kinney Group LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN CT 06457

In re Application of	DECISION ON
ONDA et al	
Application No. 12/529,061	
PCT No.: PCT/JP08/53471	
Int. Filing Date: 28 February 2008	
Priority Date: 28 February 2007	PETITION UNDER
Attorney's Docket No.: 7570-0023WOUS	
For: INFORMATION PROCESSING DEVICE	
AND PROGRAM	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIAVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 17 November 2009.

BACKGROUND

On 28 February 2008, this international application was filed, claiming an earliest priority date of 28 February 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 28 August 2009.

On 28 August 2009, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by an executed declaration. However, the basic national fee was not provided at such time. As result the application became abandoned for failure to pay the basic national fee at the time of national stage commencement.

On 17 November 2009, applicants filed the instant petition under 37 CFR 1.137(b), 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 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 requirements (1) - (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **17 November 2009.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/529,070	08/28/2009	Yasuhiro Amano	UNIU79.121APC	9462

20995 7590 05/21/2010

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
NGUYEN, KIMBERLY D	

ART UNIT	PAPER NUMBER
2894	

NOTIFICATION DATE	DELIVERY MODE
05/21/2010	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of
AMANO et al.
Application No.: 12/529,070
Filed: 28 August 2009
Attorney Docket No.: UNIU79.121APC
For: DICING/DIE BONDING FILM

: 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 29 April 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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).

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

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

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

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

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

- 7 DEC 2009

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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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

In re Application of :
KÄLLEN, Elisabeth, et al. :
Application No: 12/529,100 :
PCT No.: PCT/EP2008/050257 :
Int. Filing Date: 10 January 2008 : **DECISION**
Priority Date: 28 February 2007 :
Docket No.: 1550-1016 :
For: A ROTARY PARLOUR FOR AUTOMATIC MILKING OF ANIMALS :

This decision is in response to applicants' Petition to Expunge Under 37 CFR 1.59(b), filed in the United States Patent and Trademark Office on 28 August 2009.

BACKGROUND

On 28 August 2009, applicants filed an Application Data Sheet and an Information Disclosure Statement, accompanied by the basic national fee. Later the same day, applicants submitted this petition under 37 CFR 1.59(b) accompanied by a new application data sheet and information disclosure statement.

DISCUSSION

Under 37 CFR 1.59 (b), applicant may request that the Office expunge information, other than that excluded under (a)(2), by filing a petition, including the fee set forth in §1.17(g) and establishing to the satisfaction of the Director that the expungement of the information is appropriate. The fee for the petition will be charged to deposit account no. 25-0120, as authorized.

In this situation, applicants have not provided a reason for the expungement.

CONCLUSION

Applicants' petition to expunge is hereby **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.59(b)."

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

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

November 6, 2009

In re application of	:	DECISION ON REQUEST TO
Yasuaki Einaga et al	:	PARTICIPATE IN PATENT
Serial No. 12/529,130	:	PROSECUTION HIGHWAY
Filed: August 28, 2009	:	PROGRAM AND
For: ELECTROCHEMICAL ANALYSIS METHOD USING BORON-DOPED ELECTROCONDUCTIVE DIAMOND ELECTRODE	:	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 September 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

23 DEC 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
Cleveland OH 44114

In re Application of	:	
BARRIAC	:	
Application No.: 12/529,159	:	DECISION ON
PCT No.: PCT/US2006/041981	:	
Int. Filing Date: 27 October 2006	:	PETITION UNDER
Priority Date: 27 October 2005	:	
Attorney Docket No.: 070160/QUALP462WOUS	:	37 CFR 1.137(b)
For: A METHOD AND APPARATUS FOR	:	
MANAGING ASSIGNMENT DURING HANDOFF	:	
IN WIRELESS COMMUNICATION SYSTEMS	:	

This decision is in response to applicant's submission filed 28 August 2009.

BACKGROUND

On 27 October 2006, applicants filed international application PCT/US2006/041981 which designated the U.S. and claimed a priority date of 27 October 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 03 May 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 April 2008 (27 April 2008 being a Sunday).

On 28 August 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

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

(1) The required reply;
(2) The petition fee;

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

As to item (1), applicant submitted the basic national fee on 28 August 2009.

As to item (2), applicant submitted the petition fee on 28 August 2009.

As to item (3), petitioner's statement that the "any abandonment of the application was unintentional and without deceptive intent" has been construed as meaning that the "entire delay in filing the required reply (the required reply being the U.S. Basic National Fee) from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

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

CONCLUSION

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/529,160	08/28/2009	Shohei Yamada	1609-0229PUS1	1266

2292 7590 06/11/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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

NOTIFICATION DATE	DELIVERY MODE
06/11/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: YAMADA, SHOHEI et al.
Application No. 12529160
Filed: August 28, 2009
For: RADIO COMMUNICATION SYSTEM AND MOBILE STATION DEVICE

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

MAILED

JUN 11 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed May 26, 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

The request to participate in the PPH program and petition failed items (2), (3) and (5) above. With respect to item (3), Claims 31, 32 and 34 of the U.S. application do not sufficiently correspond to the allowable/patentable claims 3, 6 and 8 in the JPO application. JPO allowed claims 3, 6 and 8 include the limitation: "during a predetermined time after receiving timing deviation information"; the corresponding limitation in US claims 31, 32 and 34 is "during a period that a timer which starts timekeeping after receiving the timing deviation information expires" These two statements are different and give the claims different scopes. The meaning of the new statement "during a period that a timer which starts timekeeping after receiving the timing deviation information expires" in the US claims is not clear so that it can be effectively compared to the corresponding statement "during a predetermined time after receiving timing deviation information" in the JPO claims. In addition the recited use of a timer and the indication that some thing expires are limitations not found in the allowed JPO claims.
With respect to items (2) and (5), the papers submitted with the PPH request show that the JPO allowed claims are from the JP application No. 2009-526486. The US application however claims foreign priority to the JP application No. 2007-207213. The relationship between these two JP applications, if there is one, is not shown on the record.

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/

_____

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 25, 2009

In re application of	:	DECISION ON REQUEST TO
Kazuki Okamoto et al	:	PARTICIPATE IN PATENT
Serial No. 12/529,334	:	PROSECUTION HIGHWAY
Filed: August 31, 2009	:	PROGRAM AND
For: DISINFECTANT	:	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 September 23, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

December 3, 2009

In re application of	:	DECISION ON REQUEST TO
Kazuki Okamoto et al	:	PARTICIPATE IN PATENT
Serial No. 12/529,334	:	PROSECUTION HIGHWAY
Filed: August 31, 2009	:	PROGRAM AND
For: DISINFECTANT	:	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 September 23, 2009.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

22 SEP 2009

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

In re Application of	:	
KISER, et al.	:	
Application No.: 12/529,427	:	
PCT No.: PCT/US2007/073856	:	DECISION ON PETITION
Int. Filing Date: 19 July 2007	:	
Priority Date: 08 August 2006	:	UNDER 37 CFR 1.137(b)
Atty. Docket No.: 4107-091899	:	
For: WELDING ALLOY AND ARTICLES FOR USE IN WELDING....PRODUCING WELDMENTS	:	

The petition to revive under 37 CFR 1.137(b) filed 01 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 deposit account information for the charging of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

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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.
12/529,491	09/01/2009	Yasuo Suda	B422-360 (25813.393)	3784

26272 7590 07/22/2010

COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER	
YE, LIN	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
07/22/2010	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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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK NY 10036

In re Application of	:	
SUDA, YASUO, et al.	:	DECISION ON REQUEST TO
Application No. 12/529,491	:	PARTICIPATE IN PATENT
Filed: September 1, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **B422-360 (25813.393)**	:	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 April 29, 2010 and supplemented on May 20, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The 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 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

DZo

UNITED STATES PATENT AND TRADEMARK OFFICE

11 SEP 2009

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Alexandria, VA 22313-1450
www.uspto.gov

Novozymes North America, Inc.
500 Fifth Avenue
Suite 1600
New York, NY 10110

In re Application of :
LANDVIK et al. :
Application No.: 12/529,582 : DECISION ON PETITION
PCT No.: PCT/US2007/066618 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 13 April 2007 :
Priority Date: 19 April 2006 :
Attorney Docket No.: 10959.204-US :
For: POLYPEPTIDES HAVING GLUCOAMYLASE ACTIVITY AND POLYNUCLEOTIDES ENCODING SAME :

The petition to revive under 37 CFR 1.137(b) filed 02 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 R

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/529,702	09/02/2009	Kazuo Moritomo	00862.148681.	5639

5514 7590 06/11/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
FEILD, LYNN DIANA	
ART UNIT	**PAPER NUMBER**
2400	
MAIL DATE	**DELIVERY MODE**
06/11/2010	PAPER

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

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

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of: MORITOMO, KAZUO
Application No. 12529702
Filed: September 2, 2009
For: ALLOCATION OF A SECONDARY BAND TO EXPAND THE CAPACITY OF A PRIMARY BAND IN A WLAN 802.11 SYSTEM

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

MAILED

JUN 11 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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 20, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those 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.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application 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 is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-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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JUL 26 2010

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

In re application of
Katsuhiko Asai
Application No. 12/529,734
Filed: September 3, 2009
For: FLEXIBLE ACTUATOR AND JOINT- DRIVING UNIT USING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 01, 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 the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

In light of the preliminary amendment filed June 01, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 07/23/10

- 4 NOV 2009

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THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

In re Application of	:	DECISION ON
VUKASINOVIC et al	:	
Application No.: 12/529881	:	
PCT No.: PCT/US2007/072777	:	
Int. Filing Date: 03 July 2007	:	PETITION UNDER
Priority Date: 07 July 2006	:	
Attorney's Docket No.: 62012-1710	:	
For: Centimeter-Scale, Integrated Diagnostics Incubator	:	
for Biological Culturing	:	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 03 September 2009.

BACKGROUND

On 03 July 2007, this international application was filed, claiming an earliest priority date of 07 July 2006.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 07 January 2009. This international application became abandoned with respect to the United States at midnight on 07 January 2009 for failure to pay the required basic national fee.

On 03 September 2009, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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

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CST

November 6, 2009

In re application of	:	DECISION ON REQUEST TO
Peng Gong et al	:	PARTICIPATE IN PATENT
Serial No. 12/530,044	:	PROSECUTION HIGHWAY
Filed: September 4, 2009	:	PROGRAM AND
For: RUBBER COMPOSITION AND	:	PETITION TO MAKE SPECIAL
VULCANIZED RUBBER PRODUCT	:	UNDER 37 CFR 1.102(d)
USING THE SAME	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

12 MAY 2010

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

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON DC 20005-1209

In re Application of:	:	
Harumasa Yoshida	:	
U.S. Application No.: 12/530,067	:	
Receipt Date: September 4, 2009	:	DECISION
Attorney's Docket No.: 46884-5741 (442648)	:	
For: NITRIDE SEMICONDUCTOR SUBSTRATE	:	

This decision is issued in response to applicant's "PETITION TO CORRECT" filed March 03, 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On March 17, 2008, applicant filed international application PCT/JP2008/054864. The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., September 17, 2009.

On September 04, 2009, applicant initiated the present application by filing electronically a "CONTINUATION-IN-PART PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)" requesting a filing of a continuation application under 37 CFR 1.53(b) of pending prior international application PCT/JP2008/054864 filed March 17, 2008. The Transmittal Letter was accompanied by, among other materials, an Application Data Sheet (ADS) and $980 fee payment

During the electronic filing process, applicant identified the present application as a "U.S. National Stage under 35 U.S.C. 371."

On January 15, 2010, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) and Official Filing Receipt.

On March 03, 2010, applicant filed the petition to correct discussed herein.

DISCUSSION

Applicant requests that the above-identified application is treated as a continuation application of international application PCT/JP2008/054864 under 35 U.S.C. 111(a). The USPTO has adopted a bright-line test for determining whether application papers will be processed under 35 U.S.C. 371 or alternatively under 35 U.S.C. 111(a). Under this standard, any intended filing of an international application as a national stage application

must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted . . . must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The Transmittal Letter electronically filed by applicant on September 4, 2009, identified the application as a continuation application of international application PCT/JP2008/054864. However, during the electronic filing process, applicant selected the application identifier "U.S. National Stage under 35 U.S.C. 371," rather than the separate application identifier specifically applicable to nonprovisional applications filed under 35 U.S.C. 111. This is evident from the Electronic Acknowledgment Receipt generated at the time of filing, which identifies the application as a "U.S. National Stage under 35 U.S.C. 371" application rather than a nonprovisional application filed under Utility under 35 U.S.C. 111(a).

Applicant's identification of the application during the electronic filing process as a utility application filed under 35 U.S.C. 111(a) is a conflicting instruction that is not consistent with the intent to file a U.S. national stage application under 35 U.S.C. 371. Accordingly, the present application will be treated by the USPTO as a filing under 35 U.S.C. 111(a).

CONCLUSION

As stated above, applicant's request to treat the above-identified application as a filing under 35 U.S.C. 111(a) is GRANTED.

The Form PCT/DO/EO/903 mailed 15 January 2010 is hereby VACATED.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for processing as an application filed under 35 U.S.C. 111(a).

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

2 OCT 2009

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AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050

In re Application of	:	
Varrin, Christopher	:	DECISION
Application No.: 12/530,170	:	
PCT No.: PCT/US2007/086168	:	ON PETITION UNDER
Int. Filing Date: 30 November 2007	:	
Priority Date: 01 December 2006	:	37 CFR 1.137(b)
Docket No.: ELABP020	:	
For: PIXEL SUPPORT SYSTEM	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 04 September 2009 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have furnished a declaration of the inventor. The fee for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 50-4618, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

17 SEP 2009

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

AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050

In re Application of:
FRANKLIN, Douglas, et al.
U.S. Application No.: 12/530,184
PCT No.: PCT/US2008/050904
International Filing Date: 11 January 2008
Priority Date: 12 January 2007
Atty Docket No.: ELABP025
For: ROD ASSEMBLY CONNECTOR FOR MOUNTING LIGHT EMITTING DISPLAY APPARATUSES

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 04 September 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2008/050904 became abandoned with respect to the United States at midnight on 12 July 2009 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

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

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Missing Requirements (Form PCT/DO/EO/905).

It is noted that applicants have not submitted a fully executed oath or declaration in compliance with 37 CFR 1.497.

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

19 OCT 2009

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AKA CHAN LLP
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA CA 95050

In re Application of:
FRANKLIN, Douglas, et al.
U.S. Application No.: 12/530,184
PCT No.: PCT/US2008/050904
International Filing Date: 11 January 2008
Priority Date: 12 January 2007
Atty's Docket No.: ELABP025
For: ROD ASSEMBLY CONNECTOR FOR MOUNTING LIGHT EMITTING DISPLAY APPARATUSES

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR §1.47(a)" filed 06 October 2009. Applicants have paid the required petition fee.

BACKGROUND

On 11 January 2008, applicants filed international application PCT/US2008/050904. The international application claimed a priority date of 12 January 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 12 July 2009.

Applicants did not request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date. Accordingly, international application PCT/US2008/050904 became abandoned with respect to the United States at midnight on 12 July 2009.

On 04 September 2009, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a declaration executed by one of the five inventors of record, and a petition for revival of the international application under 37 CFR 1.137(b).

On 17 September 2009, this Office mailed a decision granting the petition for revival of the international application.

On 18 September 2009, applicants filed a declaration executed by three of the four inventors of record who had not signed the previously-filed declaration.

On 06 October 2009, applicants filed the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of the remaining non-signing inventor Matthew E. WARD, whom applicants assert has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee, and the petition states the last known address of the non-signing inventor. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by four of the five inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Matthew WARD. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Finally, the MPEP states:

> 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.

Here, as evidence of the inventor's refusal to execute the declaration, the petition includes a statement from Melvin D. Chan regarding the efforts made to obtain the inventor's signature. The statement asserts that a cover letter requesting the inventor's signature, accompanied by a declaration and a copy of the application, were forwarded to the non-signing inventor's attorney via Federal Express and that no response was received. The petition does not, however, include a copy of the cover letter referred to by Mr. Chan (a copy of a Federal Express confirmation receipt has been provided). Petitioner must provide a copy of the letter forwarded to the inventor's attorney as documentary support for the present petition before it can be concluded that the inventor's failure to respond to such letter constitutes a refusal to execute the present application. Petitioner should also supplement the present submission with a statement confirming how petitioner knows that Lucinda L. Storm is the attorney for the inventor and therefore the proper person to whom to address the signature request. Finally, the petition refers to an email from the inventor received with respect to a previous signature request in a different application. It is noted that a refusal to execute one application will not generally be interpreted as a refusal to execute a different application. Moreover, petitioner has not provided a copy of the email or any related correspondence.

Based on the above, the present record is not sufficient to conclude that the non-signing inventor has refused to execute the application. Item (4) of a grantable petition under 37 CFR 1.47(a) is therefore not satisfied on the present record.

It is also noted that applicants have not submitted the $65 small entity surcharge required for filing the declaration later than thirty months after the priority date.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

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

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

0 8 JAN 2010

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

AKA CHAN LLP
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SANTA CLARA CA 95050

In re Application of:	
FRANKLIN, Douglas, et al.	DECISION ON RENEWED
U.S. Application No.: 12/530,184	PETITION UNDER
PCT No.: PCT/US2008/050904	37 CFR 1.47(a)
International Filing Date: 11 January 2008	
Priority Date: 12 January 2007	
Atty's Docket No.: ELABP025	
For: ROD ASSEMBLY CONNECTOR FOR MOUNTING LIGHT EMITTING DISPLAY APPARATUSES	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed 04 November 2009. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 19 October 2009. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 04 November 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition filed by applicants on 04 November 2009 was accompanied by supplemental materials in support the assertion that the inventor had refused to execute the present application. Specifically, applicants have provided a supplemental statement from attorney Melvin D. Chan and copies of the email and cover letter referred to in the original petition. These materials, in combination with those included with the original petition, provide an acceptable showing that the non-signing inventor has refused to execute the application. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a). Accordingly, the petition is appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Matthew E. WARD.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 18 September 2009.

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UNITED STATES PATENT AND TRADEMARK OFFICE

0 8 JAN 2010

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

Matthew E. WARD
6910 Heyward Street
Philadelphia, PA 19119

In re Application of: FRANKLIN, Douglas, et al.
U.S. Application No.: 12/530,184
PCT No.: PCT/US2008/050904
International Filing Date: 11 January 2008
Priority Date: 12 January 2007
Atty's Docket No.: ELABP025
For: ROD ASSEMBLY CONNECTOR FOR MOUNTING LIGHT EMITTING DISPLAY APPARATUSES

Dear Mr. WARD:

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

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

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Counsel Of Record:
MELVIN D. CHAN
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Robert D. Atkins
605 W. Knox Road, Suite 104
Tempe AZ 85284

9/17/09

In re Application of	:	
LEE, JONG HO	:	DECISION ON REQUEST TO
Application No. 12/530,189	:	PARTICIPATE IN PATENT
Filed: Sep. 4, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 3422.0006	:	PILOT PROGRAM AND PETITION
For: THERMAL DECOMPOSITION TREATMENT SYSTEM OF FLAMMABLE WASTE AND METHOD FOR TREATING THE WASTE USING THE SYSTEM	:	TO MAKE SPECIAL 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 September 4, 2009 to make the above-identified application special.

The request and petition are GRANTED.

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

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

2. Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 KIPO application(s) and

b. Submit a claims correspondence table in English;

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

5. Applicant must submit:
a. Documentation of prior office action:
   i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from a or b 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 KIPO 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 KIPO examiner in the KIPO 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).

CONCLUSION

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 is accessible in the PAIR system at http://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.

/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
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PATZIK, FRANK & SAMOTNY LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO, IL 60606

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of
Michael A, Ambroiggio, et. al.
Application No. 12/530,299
Filed: September 8, 2009
Attorney Docket No. ABG 0007 US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed March 23, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Customer Number 51500 has been revoked by the inventors of the above application on January 9, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
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.
12/530,452	09/08/2009	Ryosuke Kuribayashi	Q114925	1224

7590 05/10/2010

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

EXAMINER	

ART UNIT	PAPER NUMBER
2613	

NOTIFICATION DATE	DELIVERY MODE
05/10/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

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

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

Patent Publication Branch
Office of Data Management

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Alexandria, VA 22313-1450
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JAN 06 2010

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

In re application of Tomohiro Kondo Application No. 12/530,511 Filed: September 9, 2009 For: HYDRAULIC CONTROL APPARATUS AND HYDRAULIC CONTROL METHOD FOR AUTOMATIC TRANSMISION	:	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 **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.

Telephone inquires concerning this decision should be directed to Teri P. Luu at 571-272-7045. All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

tpl: 01/05/10

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United States Patent and Trademark Office
P.O. Box 1450
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MAIL

DEC 08 2009

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of
MOTOMURA, HIDETO
Application No. 12/530,520
Filed: September 9, 2009
Attorney Docket No. OKUDP0430US

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 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

- 4 MAR 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
ROUAULT et al.	:	
Application No.: 12/530,593	:	
PCT No.: PCT/US08/56429	:	DECISION ON
Int. Filing Date: 10 March 2008	:	
Priority Date: 09 March 2007	:	under 37 CFR 1.497(d)
Atty Docket No.:705327	:	
For: NITROXIDE RADICAL AS A TREATMENT FOR NEURODEGENERATION	:	

This is a decision on applicant's request for "Correction of Inventorship Pursuant to 37 CFR 1.497(d)", filed on 04 November 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 September 2009, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 requesting entry into the U.S. national stage for the above referenced international application.

On 04 November 2009, applicant filed a petition under 37 CFR 1.497(d) for correction of inventorship, to add Wing Hang Tong as an inventor. In addition to the $130 petition fee, Petitioner provided the statement of Dr. Tong as inventor in support of the correction of inventorship under 37 CFR 1.497(d). A copy of the declaration executed by the inventors was also provided.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant has satisfied Items (1), (2) and Item (3) above.

Accordingly, applicant has now met all of the requirements to add Wing Hang Tong as co-inventor in the above-identified international application. The petition under 37 CFR 1.497(d) is hereby granted.

CONCLUSION

The petition under 37 CFR 1.497(d) to add Inventor Wing Hang Tong in the above-captioned application is **GRANTED**.

The declaration, executed by the joint inventors in the above referenced application, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **04 November 2009.**

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
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UNITED STATES PATENT AND TRADEMARK OFFICE

01 OCT 2009

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Raj S. Dave
Pillsbury Winthrop Shaw Pittman LLP
P.O. Box 10500
McLean, VA 22102

In re Application of	:	
Scholl, et al.	:	
Serial No.: 12/530,611	:	DECISION ON
PCT No.: PCT/EP2008/001744	:	PETITION UNDER
Int. Filing Date: 05 March 2008	:	37 CFR 1.137(b)
Priority Date: 08 March 2007	:	
Attorney's Docket No.: 069744-0382403	:	
For: DEVICE FOR THE PRODUCTION OF GRANULATE GRAINS FROM A PLASTIC MELT	:	

This decision is responsive to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 09 September 2009.

BACKGROUND

On 05 March 2008, applicants filed international application PCT/EP2008/001744, which claimed priority of an earlier German application which was filed 08 March 2007. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2009.

On 09 September 2009, applicants filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, an application data sheet, the basic national fee and the current petition under 37 CFR 1.137(b). These papers were assigned U.S. Serial No. 12/530,611.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied (1) by a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," (2) by a proper reply, (3) by the petition fee required by law (37 CFR 1.17(m)), and (4) if the international filing date of the application is before June 8, 1995, any petition to revive under 37 CFR 1.137(b) must be accompanied by a terminal disclaimer and small entity fee of $55.

Applicant has provided the required statement, a proper reply and the petition fee.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the national stage office for processing in accordance with this decision, and if appropriate preparation of the "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that applicant is required to provide a declaration of inventorship.

Debra Brittingham
PCT Special Programs Examiner
Office of PCT Legal Administration

Tel: (571) 272-3280
Fax: (571) 273-0459

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/530,637	09/10/2009	Sung Min Kong	3449-1210PUS1	3011

2292 7590 06/07/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
06/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
KONG et al.
Application No.: 12/530,637
Filed: 10 September 2009
Attorney Docket No.: 3449-1210PUS1
For: LIGHT EMITTING DEVICE PACKAGE AND LIGHT UNIT HAVING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 18 May 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, and 4-7 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirement 3.

Regarding requirement 3, applicant has not amended the claims of the instant U.S. application to sufficiently correspond to the allowable/patentable claims of the Korean application. Specifically, each of claims 21-23 of the instant application do not correspond to each of claims 3, 7, and 16 of the Korean application. For example only, claim 21 of the instant application recites "a body", "a lead frame", and " a LED mounted at the lead frame" whereas claim 3 of the Korean application recites "a package body", "a reflective plate", and " a LED in the reflective plate" respectively. These differences represent of difference 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.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to 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.
12/530,637	09/10/2009	Sung Min Kong	3449-1210PUS1	3011

2292 7590 07/21/2010
BIRCH STEWART KOLASCH & BIRCH
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EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
07/21/2010	ELECTRONIC

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
KONG et al.
Application No.: 12/530,637
Filed: 10 September 2009
Attorney Docket No.: 3449-1210PUS1
For: LIGHT EMITTING DEVICE PACKAGE AND LIGHT UNIT HAVING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 18 May 2010 and renewed on 07 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Any response must be submitted via EFS-Web.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800

15 JUN 2010

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In re Application of :
MATSUMOTO, Toshio et al. :
U.S. Application No.: 12/530,670 :
PCT No.: PCT/JP2008/054443 :
Int'l Filing Date: 12 March 2008 :
Priority Date: 12 March 2007 :
Attorney's Docket No.: 14875-0203US1 : DECISION
For: REMEDY FOR CHEMOTHERAPY-RESISTANT CANCER CONTAINING HLA CLASS I-RECOGNIZING ANTIBODY AS THE ACTIVE INGREDIENT AND USE OF THE SAME :

This decision is in response to applicant's Request For Corrected Notice of Acceptance, filed in the United States Patent and Trademark Office on 25 January 2010.

BACKGROUND

On 10 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 23 November 2009, applicant filed declaration of the inventors.

On 07 January 2010, a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt were mailed giving the application a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of 10 September 2009 and the date for all 35 USC 371 requirements were 23 November 2009.

On 25 January 2010, applicant filed this petition to correct the Notification of Acceptance.

DISCUSSION

Both the 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date and the date for all 35 USC 371 requirements should be 23 November 2009, as that was the date of receipt of the last 371 requirement, in the declaration of the inventors.

CONCLUSION

For the reasons discussed above, the Petition Under 37 CFR 1.181 for a corrected Notification of Acceptance and Filing Receipt is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 07 January 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action in accordance with this decision, including the mailing of a corrected Notification of Acceptance (Form PCT/DO/EO/903).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/530,708	09/10/2009	Susumu Kumakura	03500.153445.	3784

5514 7590 06/09/2010

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
ART UNIT	PAPER NUMBER
2841	

MAIL DATE	DELIVERY MODE
06/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
Susumu KUMAKURA
Application No.: 12/530,708
Filed: 10 September 2009
Attorney Docket No.: 03500.153445.
For: ELECTRONIC CIRCUIT DEVICE

: 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 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, 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 PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The petition fee under 37 CFR 1.17(h) of $130 has been charged to your deposit account.

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

26 MAR 2010

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MICHAEL BLAINE BROOKS, P.C.
P.O. BOX 1630
SIMI VALLEY, CA 93062-1630

In re Application of XU	:	
U.S. Application No.: 12/530,778	:	
PCT Application No.: PCT/JP2008/054841	:	
Int. Filing Date: 11 March 2008	:	DECISION
Priority Date Claimed: 12 March 2007	:	
Attorney Docket No.: SLA2148NS	:	
For: EXPLICIT LAYER TWO SIGNALING FOR DISCONTINUOUS RECEPTION	:	

This is in response to applicant's petition under 37 CFR 1.47(b) filed 17 November 2009.

BACKGROUND

On 11 March 2008, applicant filed international application PCT/JP2008/054841, which claimed priority of an earlier United States application filed 12 March 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 September 2008. The thirty-month period for paying the basic national fee in the United States expired on 14 September 2009.

On 10 September 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 17 November 2009, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A review of the application file reveals that on 10 September 2009 applicant submitted a declaration executed by the inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(b) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 11 March 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 10 September 2009.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/530,808		Michel MassÃ©	4899-046	4745

56535 7590 12/18/2009
BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL, QC H3A-1X6
CANADA

EXAMINER	
ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

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BROUILLETTE & PARTNERS
METCALFE TOWER, 1550 METCALFE STREET
SUITE 800
MONTREAL QC H3A-1X6 CA CANADA

In re Application of: MASSE, MICHEL Serial No. 12/530,808 Filed: Sep. 11, 2009 Docket: 4899-046 Title: OPTIMIZED MINE VENTILATION 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 Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 11, 2009 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) 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 CIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) 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 CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Steven McAllister, Art Unit 3749 at 571-272-6785.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

_____

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

17 SEP 2009

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Brookhaven Science Associates/
Brookhaven National Laboratory
Bldg. 490C - P.O. Box 5000
Upton, NY 11973

In re Application of :
ZALIZNYAK et al. :
Application No.: 12/530,862 : DECISION ON PETITION
PCT No.: PCT/US2008/002761 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 29 February 2008 :
Priority Date: 02 March 2007 :
Attorney Docket No.: BSA 07-12 :
For: NANODEVICES FOR SPINTRONICS :
AND METHODS OF USING SAME

The petition to revive under 37 CFR 1.137(b) filed 11 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 R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2009

Commissioner for Patents
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Cichosz and Cichosz PLLC
Stephen Mahan
129 E. Commerce St
Milford MI 48381

In re Application of: MCMAHAN, Steven :
U.S. Application No.: 12/530,924 : DECISION ON PETITION
PCT No.: PCT/US2007/014017 :
International Filing Date: 15 June 2007 :
Priority Date: 15 February 2007 :
Atty Docket No.: MCM7101 :
For: DEVICE FOR MICROWAVE :
HEATING OF A FOOD PRODUCT :

The petition for revival under 37 CFR 1.137(b) filed 11 September 2009 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/US2007/014017 became abandoned with respect to the U.S. at midnight on 15 August 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 filed an executed declaration during the international phase 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 11 September 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

14 OCT 2009

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70653
LAW OFFICES OF EUGENE M. CUMMINGS, P.C.
One North Wacker Drive
Suite 4130
Chicago, IL 60606

In re Application of	:	
REAY, Gavin	:	
U.S. Application No.: 12/530,935	:	
PCT No.: PCT/GB2008/050168	:	**DECISION ON**
Int. Filing Date: 10 March 2008	:	**PETITION UNDER**
Priority Date: 10 March 2007	:	**37 CFR 1.137(b)**
Docket No.: 3001-0011	:	
For: VALVE ARRANGEMENT	:	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 11 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.

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 $65.00 surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

JUN 2 9 2010

OFFICE OF PETITIONS

In re Application of	:	
Hyong-Suk Kim	:	DECISION ON PETITION
Application No. 12/531,090	:	TO WITHDRAW
Filed: September 14, 2009	:	FROM RECORD
Attorney Docket No. 052983/379397	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed May 27, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw. Further, petitioner has not properly completed the change of correspondence address portion of form PTO/SB/83. Petitioner has requested that both assignees each be separately sent all future correspondence. Double correspondence with the patent owner or owners will not be undertaken. Therefore, the request is considered improper. Petitioner must submit one correspondence address. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

18 SEP 2009

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Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510

In re Application of :
BRON et al. :
Application No.: 12/531,096 : DECISION ON PETITION
PCT No.: PCT/IB2008/050605 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 20 February 2008 :
Priority Date: 28 February 2007 :
Attorney Docket No.: 007193 US1 :
For: POWER SUPPLY SYSTEM, LAMP SYSTEM AND METHOD OF CONTROLLING LIGHT INTENSITY :

The petition to revive under 37 CFR 1.137(b) filed 14 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 R

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

- 2 FEB 2010

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WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

In re Application of:	:	
HABAROU, Georges, et al.	:	DECISION
U.S. Application No.: 12/531,113	:	
PCT No.: PCT/FR2008/050444	:	
International Filing Date: 14 March 2008	:	
Priority Date: 15 March 2007	:	
Atty Docket No.: BDL-594XX	:	
For: TURBINE RING ASSEMBLY FOR GAS TURBINE	:	

This decision is issued in response to the "Letter" filed 26 January 2010, treated in part herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is required.

BACKGROUND

On 14 March 2008, applicants filed international application PCT/FR2008/050444. The international application claimed a priority date of 15 March 2007, and it designated the United States. On 06 November 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., 15 September 2009.

On 14 September 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 05 November 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 alter than thirty months after the priority date.

On 22 January 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 November 2009. Also on 22 January 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 15 November 2009.

On 26 January 2010, applicants filed the "Letter" considered in part herein as a petition under 37 CFR 1.181. The petition asserts that the declaration that completed the requirements of

35 U.S.C. 371(c) was filed on 05 November 2009 and that the correct 35 U.S.C. 371(c) date for the present application is therefore 05 November 2009.

DISCUSSION

A review of the application file confirms that the declaration that completed the requirements of 35 U.S.C. 371(c) was filed herein on 05 November 2009. The correct "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and "Date Of Completion Of All U.S.C. 371 Requirements" for the present application is therefore 05 November 2009, as asserted by applicants in the present petition.

Based on the above, the Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 January 2010, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 November 2009, is appropriately vacated. In addition, the filing receipt mailed on 22 January 2010, which incorrectly identified the 35 U.S.C. 371(c) date as 15 November 2009, is also appropriately vacated.

A corrected Notification Of Acceptance and filing receipt will be issued which properly identify the 35 U.S.C. 371(c) date as 05 November 2009.[1]

CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date is **GRANTED**.

The Notification Of Acceptance (Form PCT/DO/EO/903) mailed 22 January 2010, which incorrectly identified the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) Requirements" and the "Date Of Completion Of All U.S.C. 371 Requirements" as 15 November 2009, and the subsequently mailed filing receipts that incorrectly identified the 35 U.S.C. 371(c) date as 15 November 2009, are hereby **VACATED.**

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a corrected Notification of Acceptance (Form PCT /DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as **05 November 2009**.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] It is noted that the "Letter" filed by applicants on 26 January 2010 also indicated that the filing receipt mailed 22 January 2010 incorrectly listed the number of independent claims in the application. This defect was corrected in a corrected filing receipt mailed 27 January 2010, which identified the number of independent claims as 1.

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAIL

MAY 0 4 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
KUBOYAMA, TSUYOSHI, et al. :
Application No. 12/531,164 :
Filed: September 14, 2009 :
Attorney Docket No. Q115009 :

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 15, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The 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 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

UNITED STATES PATENT and TRADEMARK OFFICE

0 3 FEB 2010

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SYNGENTA CROP PROTECTION , INC.
PATENT AND TRADEMARK DEPARTMENT
410 SWING ROAD
GREENSBORO NC 27409

In re Application of	DECISION ON
FRANZ et al	
Application No.: 12/531,311	
PCT No.: PCT/EP2008/001648	
Int. Filing Date: 01 March 2008	PETITION UNDER
Priority Date: 09 March 2007	
Attorney's Docket No.: 71459	
For: PESTICIDAL COMBINATIONS	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL FOR AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 15 September 2009.

BACKGROUND

On 01 March 2008, this international application was filed, claiming an earliest priority date of 09 March 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 September 2009. This international application became abandoned with respect to the United States at midnight on 09 September 2009 for failure to pay the required basic national fee.

On 15 September 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, the 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 **15 September 2009**.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

13 NOV 2009

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HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

In re Application of
Reddy et al.
Application No. 12/531,386
PCT No.: PCT/IN2007/000459
Int. Filing Date: 05 October 2007
Priority Date: 09 October 2006
Att. Docket No.: 4287.1005-000
For: Novel Process For The Preparation Of Statins And Their Pharmaceutically Acceptable Salts Th...

DECISION

The petition to revive under 37 CFR 1.137(b) filed on 15 September 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the national stage application from the due date for filing the national stage application until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3). Petitioner is required to promptly notify this Office if said interpretation is incorrect.

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the basic national fee) has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. The date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is **15 September 2009.**

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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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.
12/531,391	09/15/2009	Tsuyoshi Kuboyama	Q115041	9286

23373 7590 05/27/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
ART UNIT	PAPER NUMBER
2621	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUITE 800
WASHINGTON DC 20037

In re Application of	:	
KUBOYAMA, TSUYOSHI, et al.	:	DECISION ON REQUEST TO
Application No. 12/531,391	:	PARTICIPATE IN PATENT
Filed: September 15, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. **Q115041**	:	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 March 15, 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and

(8) The 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 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

02

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MAR 18 2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re application of
Kazuya Watanabe et al.
Application No. 12/531,400
Filed: September 15, 2009
For: PARKING ASSIST 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 March 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (Written Opinion/ISA, WO/IPEA or IPER) along with an English translation thereof and a statement that the English translation is accurate (if the documents are not in the English language);

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; (if the documents are not in the English language)

(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

In light of the petition being properly submitted via EFS-Web as is required, and because the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

/Teri P. Luu/
Teri P. Luu
Quality Assurance Specialist
Technology Center 3600

3/17/10

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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of	:	
MILLAR et al.	:	
Application No.: 12/531,482	:	DECISION
PCT No.: PCT/AU2008/000367	:	REGARDING
Int. Filing Date: 14 March 2008	:	SUBMISSION UNDER 37 CFR 1.42
Priority Date: 16 March 2007	:	
Attorney Docket No.: ALAR34.002APC	:	
For: ASSAY FOR GENE EXPRESSION	:	

This decision is issued in response to the declaration filed 16 November 2009 which is being treated as a submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 14 March 2008, applicant filed international application PCT/AU2008/000367 which claimed a priority date of 16 March 2007. On 25 September 2008, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 16 September 2009 (thirty months from the priority date).

On 15 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and an application data sheet.

On 16 November 2009, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 November 2009, applicant filed the present petition and a declaration executed by the two joint-inventors and Alisa Grigg, on behalf of deceased inventor, Geoffrey W. Grigg.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 16 November 2009 was executed by Alisa Grigg as "legal representative" to the deceased inventor, Geoffrey W. Grigg. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

31 MAR 2010

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35811
IP GROUP OF DLA PIPER LLP (US)
One Liberty Place
1650 Market St., Suite 4900
Philadelphia, PA 19103

In re Application of :
NAGEL *et al* :
Application No.: 12/531,505 :
PCT No.: PCT/EP2008/002188 :
Int. Filing Date: 19 March 2008 :
Priority Date: 19 March 2007 : **DECISION**
Attorney Docket No.: RUF-09-1242 :
For: FLUORINE-SUBSTITUTED :
AMPHETAMINES AND :
AMPHETAMINE DERIVATIVES AND :
USE THEREOF :

This is a decision on the declaration filed on 22 December 2009.

BACKGROUND

On 22 December 2009, applicants filed a declaration signed by one of the two named inventors and three heirs of a deceased joint inventor. A $130.00 surcharge fee was also provided.

DISCUSSION

Ursula SCHMIDT, Lena N. SCHMIDT and Dag A. SCHMIDT[1] executed the declaration for deceased co-inventor, Werner J. SCHMIDT as a "legal heir." Joint inventor, Ulrich NAGEL also executed the declaration.

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.

However, the declaration filed under 37 CFR 1.42 is not accepted for the following reasons:

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[1] The copy of declaration provided is legible; however, it is of poor quality and hard to read. The undersigned apologizes if the names of the heirs are incorrect. Applicants should provide a better copy of the declaration with any response.

(1) Applicants must provide a statement that Ursula Schmidt, Lena N. Schmidt and Dag A. Schmidt are the sole heirs of the deceased inventor and that they are acting as his legal representative; and,

(2) Applicants must state whether the jurisdiction requires that a legal representative be appointed for the deceased inventor. *See* MPEP § 409.01.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an acceptable response within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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0 8 JUN 2010

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35811
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Philadelphia, PA 19103

In re Application of
NAGEL *et al*
Application No.: 12/531,505
PCT No.: PCT/EP2008/002188
Int. Filing Date: 19 March 2008
Priority Date: 19 March 2007
Attorney Docket No.: RUF-09-1242
For: FLUORINE-SUBSTITUTED AMPHETAMINES AND AMPHETAMINE DERIVATIVES AND USE THEREOF

DECISION

This is a decision on the response filed 15 April 2010 which is treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 22 December 2009, applicants filed a declaration signed by one of the two named inventors and three heirs of a deceased joint inventor and a $130.00 surcharge fee. The declaration was treated under 37 CFR 1.42.

On 31 March 2010, the Office mailed a decision stating that the declaration filed on 22 December 2009 was not accepted at this time. Applicants were requested to provide a statement that the persons signing the declaration for the deceased inventor are the sole heirs and that they are acting as his legal representative. Applicants were also asked to state whether the jurisdiction requires that a legal representative be appointed for the deceased inventor.

On 08 April 2010, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and date of completion of all 35 U.S.C. 371 requirements is 22 December 2009.

On 15 April 2010, applicants filed the subject response which was accompanied by, *inter alia*, another copy of the declaration previously submitted.

DISCUSSION

In the subject response, applicants confirm that Ursula SCHMIDT, Lena N. SCHMIDT and Dag A. SCHMIDT are the sole heirs of Werner Jürgen SCHMIDT. Applicants also state that under German law, a legal representative is only required in instances where the heirs are not of full, legal age or mentally handicapped, or for any other reason not able to exercise their rights and interests. Applicants attest that none of these reasons apply here.

These statements are an appropriate response to the prior decision.

Applicants also provided "the best available" copy of the declaration previously submitted. This copy is slightly better than the one furnished on 22 December 2009, and is accepted.

CONCLUSION

The declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the appropriate Group Art Unit for immediate examination.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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MAR 22 2010

Oblon, Spivak, McClelland, Maier & Neustadt, LLP
1940 Duke Street
Alexandria, VA 22314

In re application of
Yukifumi Yamada et al.
Application No. 12/531,556
Filed: September 16, 2009
For: VEHICLE SEAT DEVICE

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 16, 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).

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment filed October 22, 2009, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Steven N. Meyers, Quality Assurance Specialist, at (571) 272-6611.

Steven N. Meyers,
Quality Assurance Specialist
Technology Center 3600

Sm/sm: 3/21/10

UNITED STATES PATENT AND TRADEMARK OFFICE

19 OCT 2009

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Baker & Daniels, LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802

In re Application of	:	
KELLER, et al.	:	DECISION ON PETITION
Application No.: 12/531,557	:	
PCT No.: PCT/EP2008/052254	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 25 February 2008	:	
Priority Date: 23 February 2003	:	
Attorney Docket No.: ZIM0669	:	
For: IMPLANT FOR FRACTURE TREATMENT	:	

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 required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and explanation regarding the delay in filing the present petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. basic national fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors is required.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

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21 SEP 2009

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Burr & Brown
P.O. Box 7068
Syracuse, NY 13261-7068

In re Application of
TANKERE et al.
Application No.: 12/531,562
PCT No.: PCT/FR2007/051589
Int. Filing Date: 03 July 2007
Priority Date: 04 July 2006
Attorney Docket No.: 790_144
For: COMPOSITE REINFORCEMENT OR GEOTEXTILE PRODUCT AND ITS MANUFACTURING PROCESS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

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

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KF ROSS PC
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

MAILED

JUL 2 0 2010

OFFICE OF PETITIONS

In re Application of

Jacques Peyrot, et al.
Application No. 12/531,577
Filed: September 16, 2009
Attorney Docket No. 24680

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 13, 2010, 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 a doctor's certificate showing that the state of health of the applicant is such that he might now be available to assist in the prosecution of the application if it were to run its normal course.

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 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 3775 for action in its regular turn.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

12/4/09

In re Application of	:	
YUYAMA, SHOJI	:	DECISION ON REQUEST TO
Application No. 12/531,643	:	PARTICIPATE IN PATENT
Filed: Sep. 16, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. 2009-1402A	:	PILOT PROGRAM AND PETITION
For: MEDICINE PACKAGING APPARATUS	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 3, 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 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 the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning the status of this application should be directed to the Supervisory Patent Examiner, Mr. Ehud Gartenberg, Art Unit 3728 at 571-272-4828.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

16 NOV 2009

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27384
Kurt G. Briscoe
NORRIS McLAUGHLIN & MARCUS, P.A.
875 Third Avenue - 18th Floor
New York, NY 10022

In re Application of :
WALTER *et al* :
U.S. Application No.: 12/531,795 :
PCT No.: [Unknown] :
Int. Filing Date: 19 March 2008 :
Priority Date: 26 March 2007 : **DECISION**
Attorney Docket No.: 100727-156 KGB :
For: CATALYTICALLY HIGHLY EFFECTIVE :
NOBLE METAL CARBOXYLATE :
COMPOUNDS OF IR, RU, RH, PD, PT :
AND AU :

This decision is in response to the papers filed 18 September 2009 and again on 21 September 2009. These papers are treated as a petition under 37 CFR 1.182.

BACKGROUND

On 17 September 2009, applicants filed papers to enter the national stage using the USPTO EFS-Web system. The application was filed as the national stage of PCT/US08/02186. Other papers filed indicate that the application was intended to be the national stage of PCT/EP08/02186. Nonetheless, the Office processed the subject application as the national stage of PCT/US08/02186.

On 18 September 2009 and again on 21 September 2009, applicants submitted a paper titled "Request for Correction."

DISCUSSION

Applicants request that the international application number PCT/US08/02186 listed on the Electronic Acknowledgment Receipt in the initial submission on 17 September 2009 be changed to PCT/EP2008/02186.

Applicants state that this information correctly appears on ADS, Preliminary amendment and the published international application submitted with the initial papers.

This type of correction requires a petition under 37 CFR 1.182. A $400.00

petition fee pursuant to 37 CFR 1.17(f) is required.

Applicants did not provide the required petition fee, or provide authorization to charge the required fee to their Deposit Account.[1] Thus, applicants' request will not be considered at this time.

CONCLUSION

For the reason listed above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

FAILURE TO TIMELY RESPOND WILL RESULT IN THE ABANDONMENT OF THE APPLICATION.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The authorization to charge fees provided on 17 September 2009 did not include fees required under 37 CFR 1.17.

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19 JAN 2010

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27384
Kurt G. Briscoe
NORRIS McLAUGHLIN & MARCUS, P.A.
875 Third Avenue - 18th Floor
New York, NY 10022

In re Application of :
WALTER *et al* :
U.S. Application No.: 12/531,795 :
PCT No.: PCT/EP2008/002186 :
Int. Filing Date: 19 March 2008 :
Priority Date: 26 March 2007 : **DECISION**
Attorney Docket No.: 100727-156 KGB :
For: CATALYTICALLY HIGHLY EFFECTIVE :
NOBLE METAL CARBOXYLATE :
COMPOUNDS OF IR, RU, RH, PD, PT :
AND AU :

This decision is in response to the renewed petition under 37 CFR 1.182 filed 18 November 2009.

BACKGROUND

On 16 November 2009, a decision dismissing applicants' petition under 37 CFR 1.182 was mailed. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 18 November 2009, applicants filed a renewed petition under 37 CFR 1.182 along with a $400.00 petition fee and $130.00 surcharge fee.

DISCUSSION

Applicants petition to correct the international application number from PCT/US2008/002186 to PCT/EP2008/002186.

Applicants state that the proper international application was submitted with the initial papers in the ADS, Preliminary amendment and the published international application submitted with the initial papers; however, the international application number was incorrectly entered upon filing electronically using the USPTO EFS-Web system. The $400.00 petition fee has been provided.

A review of the application verifies that applicants intended to file the national stage application of PCT/EP2008/002186 but made a typographical error when filing.

This is sufficient for a grantable petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.182 is hereby **GRANTED**.

USPTO records have been updated to reflect that the above-captioned application is the national stage of PCT/EP2008/002186 claiming priority to a German application No. 10 2007 014 914.1 filed 26 March 2007.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

2 OCT 2009

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SMITH PATENT CONSULTING, LLC
3307 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
HUMPERT et al.	:	
Application No.: 12/531,919	:	DECISION
PCT No.: PCT/EP2008/002214	:	
Int. Filing Date: 19 March 2008	:	
Priority Date: 20 March 2007	:	
Attorney's Docket No.: LNK-056	:	
For: LIQUID DEVELOPER COMPOSITION	:	
AND METHOD OF ITS PREPARATION	:	

This is a decision on applicants' petitions under 37 CFR 1.182 filed 22 September 2009. The petition fee of $400.00 has been paid. The petition is **GRANTED** as discussed below.

On 18 September 2009, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) electronically via EFS-Web. The submission included, *inter alia*, a Transmittal Letter, Application Data Statement (ADS) and preliminary amendment. The international application number keyed into EFS-Web was PCT/US08/02214. However, the Transmittal Letter, ADS, and preliminary amendment indicate the international application number as PCT/EP2008/002214.

On 22 September 2009, applicants filed the instant petition under 37 CFR 1.182.

A review of the application file including counsel's statements in the instant submission, as well as a review of the international publication of PCT/EP2008/002214, reveals that the present application should in fact be the national stage application of international application **PCT/EP2008/002214**.

The declaration of inventors filed 21 September 2009 is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

13 JAN 2010

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
NAJIMA et al.	:	
Application No.: 12/532,029	:	DECISION
PCT No.: PCT/JP2008/053819	:	
Int. Filing Date: 04 March 2008	:	
Priority Date: 28 March 2007	:	
Attorney's Docket No.: SHG-113P2	:	
For: RESIN COMPOSITION FOR AQUEOUS	:	
COATING MATERIAL, METHOD FOR PRODUCING	:	
THE SAME, AND AQUEOUS COATING MATERIAL	:	

This decision is in response to applicants' "REQUEST TO WITHDRAW NOTICE OF ABANDONMENT AND PETITION TO THE DIRECTOR" filed in the United States Patent and Trademark Office (USPTO) on 03 December 2009, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 04 March 2008, applicants filed international application PCT/JP2008/053819, which designated the United States and claimed a priority date of 28 March 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 October 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 September 2009.

On 18 September 2009, applicants filed a submission for entry into the national stage in the United States.

On 03 November 2009, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 03 December 2009, applicants filed the instant petition.

DISCUSSION

The NOTIFICATION OF ABANDONMENT mailed 03 November 2009 was mailed in error. Authorization to charge the basic national fee to Deposit Account 23-3000 was submitted on 18 September 2009. Accordingly, the NOTIFICATION OF ABANDONMENT mailed 03 November 2009 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the petition to withdraw the holding of abandonment is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 03 November 2009 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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29 OCT 2009

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JASON D. VOIGHT
HAHN & VOIGHT PLLC
1012 14TH STREET, NW
SUITE 620
WASHINGTON, DC 20005

In re Application of HORVATH, Peter Application No.: 12/532,073 PCT No.: PCT/HU2008/000025 Int. Filing Date: 27 February 2008 Priority Date: 27 February 2007 For: PROCESS FOR PREPARING A FUNCTIONAL DAIRY DESSERT	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 18 September 2009.

BACKGROUND

Applicant filed international application PCT/HU2008/000025, which designated the U.S. and claimed priority date of 27 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 27 August 2009. Accordingly, PCT/HU2008/000025 became abandoned as to the United States of America at midnight 27 August 2009 for failure to timely pay the Basic National Fee and request entry to US national stage.

On 18 September 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $1620 petition fee has been charged to the credit card as authorized by the applicant.

Regarding item (3), the requisite statement has been provided.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 15 October 2009.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

12 JUL 2010

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UC BERKELEY - OTL
BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE, SUITE 200
EAST PALO ALTO, CA 94303

In re Application of SCHAFFER et al :
U.S. Application No.: 12/532,098 :
PCT Application No.: PCT/US2008/003811 :
Int. Filing Date: 21 March 2008 : DECISION
Priority Date Claimed: 22 March 2007 :
Attorney Docket No.: BERK-071 :
For: SYNTHETIC CELL PLATFORMS AND :
METHODS OF USE THEREOF :

This is in response to applicant's petition under 37 CFR 1.182 filed 04 March 2010.

BACKGROUND

On 21 March 2008, applicant filed international application PCT/US2008/003811, which claimed priority of an earlier United States application filed 22 March 2007. The thirty-month period for paying the basic national fee in the United States expired on 22 September 2009.

On 18 September 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 January 2010, 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 04 March 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the name of the third listed inventor has changed from "Lauren Miller" to "Lauren Little".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the petition is accompanied by the requisite petition fee and a statement from the inventor setting forth both names. However, the statement fails to indicate the procedure whereby the name change was effected (e.g., marriage, court order, etc.)

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

29 SEP 2009

Commissioner for Patents
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Alexandria, VA 22313-1450
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Capitol City TechLaw, PLLC
113 S. Columbus Street, Suite 302
Alexandria VA 22314

In re Application of	:	
BAKER	:	
Application No.: 12/532,291	:	
PCT No.: PCT/CA2008/000523	:	
Int. Filing Date: 20 March 2008	:	DECISION
Priority Date: 22 March 2007	:	
Atty. Docket No.: 087-001US01	:	
For: A METHOD OF AND LIGHT SYSTEM FOR DANCE INSTRUCTION	:	

This is a decision on applicant's "PETITION TO REVIVE UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 23 September 2009. The petition was accompanied by, *inter alia,* the requisite petition fee and the basic national fee. The petition is **GRANTED** as discussed below.

The present application became abandoned as to the U.S. National Stage on 22 September 2009, for failure to pay the basic national filing fee prior to the expiration of 30 months from the priority date.

A review of the application file reveals that applicant has satisfied the requirements of 37 CFR 1.137(b). However, a review of the application file also reveals that applicant has not satisfied the requirements under 35 U.S.C. 371 for entry into the national stage in the United States. Specifically, a declaration of the inventor has not been submitted.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring submission of a declaration of the inventor in compliance with 37 CFR 1.497 and the requisite fees for submission of the declaration later than 30 months from the priority date.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281
Fax: (571) 273-0459

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.
12/532,311		Hee-Yong LEE	LPP20091712US	6721

66390 7590 01/07/2010

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY, VA 20151

EXAMINER	
ART UNIT	PAPER NUMBER
1646	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JAN 0 7 2010

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of	:	
LEE, HEE-YONG	:	DECISION ON REQUEST TO
Application No. 12/532,311	:	PARTICIPATE IN PATENT
Filed: September 21, 2009	:	PROSECUTION HIGHWAY
Attorney Docket No. LPP20091712US	:	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 6 October 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

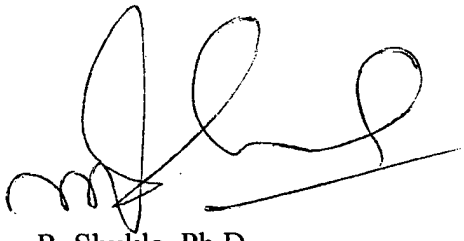
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(3) 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;
(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 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 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, Ph.D.
Supervisory Patent Examiner
TC 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

22 OCT 2009

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John S. Pratt, Esq
Kilpatrick Stockton, LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

In re Application of
DAY, Jonathan
Application No.: 12/532,472 (& 12/532,473)
PCT No.: PCTGB2007/001929
Int. Filing Date: 24 May 2007
Priority Date: 05 September 2006
Attorney Docket No.: 56224/382455
For: GLOVE WITH ANTI-ROLL DOWN/ANTI-RUCKING CUFF

COMMUNICATION & DECISION ON PETITION UNDER 37 CFR 1.137(b)

These applications are before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371 and 37 CFR 1.495.

Additionally, this decision is issued in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally under CFR 1.137(b)" filed 22 September 2009. The petition fee under 37 CFR 1.17(m) has been paid

BACKGROUND

On 24 May 2007, applicant filed international application PCTGB2007/001929, which claimed a priority date of 05 September 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States is set to expire at midnight on 05 March 2009.

On 22 September 2009, applicant electronically filed an application requesting entry in the U.S. National stage of international application PCTGB2007/001929. The submission included, among other materials, payment of the basic national fee and a petition to revive under 37 CFR 1.17(b). This submission was assigned U.S. application number 12/532,472 and treated as the U.S. national stage of international application PCTGB2007/001929.

Also on 22 September 2009, applicant filed a second submission requesting entry into the national stage in the United States for the same international application (PCTGB2007/001929). This submission, which did not include a fee payment, was assigned U.S. application number 12/532,473.

DISCUSSION

Filing under 35 U.S.C. 371

Applicant is advised that there can only be one U.S. national stage application for a given PCT international application. Thus, the filing of two national stage applications is improper. The materials assigned U.S. application number 12/532,472 were the first of the two filings to be processed by the USPTO, and such submission included the required basic national fee. As such, the papers filed 22 September 2009 and assigned serial number 12/532,473 will be moved to application 12/532,472. Application 12/532,472 will continue to be the U.S. National stage entry of international application PCTGB2007/001929.

Petition under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the required reply is the payment of the basic national fee of $330.00.

As to Item (2), the appropriate petition fee of $1620.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), 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).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

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.

CONCLUSION

As detailed above, application 12/532,472 has been established as the U.S. National stage entry of international application PCTGB2007/001929.

All of the requirements of have been met and applicant's petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Application No.: 12/532,472 (12/532,473)

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

13 NOV 2009

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FULBRIGHT & JAWORSKI L.L.P.
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AUSTIN TX 78701

In re Application of SRIVASTAVA et al.	:	
Application No.: 12/532,553	:	DECISION ON
PCT No.: PCT/US08/57998	:	
Int. Filing: 24 March 2008	:	PETITION TO REVIVE
Priority Date: 23 March 2007	:	
Attorney Docket No.: UTSG:281US	:	UNDER 37 CFR 1.137(b)
For: METHOD INVOLVING ALDOSE REDUCTASE INHIBITORS	:	

The petition to revive under 37 CFR 1.137(b) filed 02 October 2009 in the above-captioned application is hereby **GRANTED** .

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 the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of $810 has been paid and the basic national fee of $165 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

11 DEC 2009

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Brinks Hofer Gilson & Lione/Panasonic
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Chicago IL 60610

In re Application of	:	
FUJII et al.	:	
Application No.: 12/532,562	:	DECISION
PCT No.: PCT/JP2008/000685	:	REGARDING
Int. Filing Date: 21 March 2008	:	SUBMISSION UNDER 37 CFR 1.42
Priority Date: 23 March 2007	:	
Attorney Docket No.: 11329/53	:	
For: GAS APPLIANCE MONITORING APPARATUS	:	

This decision is issued in response to the declaration filed 22 September 2009 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 21 March 2008, applicant filed international application PCT/JP2008/000685 which claimed a priority date of 23 March 2007. On 02 October 2008, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was 23 September 2009 (thirty months from the priority date).

On 22 September 2009, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a translation of the international application; a preliminary amendment; and a declaration executed by two joint-inventors and Sumiko Murakami, on behalf of deceased inventor, Shirgeru Murakami.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 22 September 2009 was executed by Sumiko Murakami as "legal representative" to the deceased inventor, Shirgeru Murakami. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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UNITED STATES PATENT AND TRADEMARK OFFICE

16 NOV 2009

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SUITE 2700
INDIANAPOLIS, IN 46204

In re Application of	:	
KUMAR, Anil	:	
Application No.: 12/532,570	:	DECISION ON
PCT No.: PCT/IN2008/000153	:	
Int. Filing Date: 17 March 2008	:	PETITION
Priority Date: 16 March 2007	:	
For: METHOD AND SYSTEM FOR SYNCHORONIZATION BETWEEN APPLICATION LAYER CONTROLLERS AND DEVICE	:	UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 22 September 2009.

BACKGROUND

Applicant filed international application PCT/IN2008/000153, which designated the U.S. and claimed priority date of 16 March 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 September 2009. Accordingly, PCT/IN2008/000153 became abandoned as to the United States of America at midnight 16 September 2009 for failure to timely pay the Basic National Fee.

On 22 September 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required

reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply, the basic national fee.

Regarding item (2), the $810 petition fee has been charged to Deposit Account No. 020390 as authorized by applicants.

Regarding item (3), the requisite statement has been provided.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision, including Notification of Missing Requirement (PCT/DO/EO/905) for a proper executed oath.

Shian Luong
Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
Fax: (571) 273-0459

Rafael Bacares
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

30 OCT 2009

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INDIANAPOLIS, IN 46204

In re Application of KAKIRDE, Manjusha Application No.: 12/532,579 PCT No.: PCT/IN2008/000101 Int. Filing Date: 21 February 2008 Priority Date: 21 February 2007 For: EVENT BASED REMINDER SYSTEM	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. 137(b)" filed in the United States Patent and Trademark Office (USPTO) on 22 September 2009.

BACKGROUND

Applicant filed international application PCT/IN2008/000101, which designated the U.S. and claimed priority date of 21 February 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 August 2009. Accordingly, PCT/IN2008/000101 became abandoned as to the United States of America at midnight 21 August 2009 for failure to timely pay the Basic National Fee and request entry to US national stage.

On 22 September 2009, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2)

the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicants have provided the required reply.

Regarding item (2), the $810 petition fee has been charged to Deposit Account No. 020390 as authorized by applicants.

Regarding item (3), the requisite statement has been provided.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons detailed above, applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date is 22 September 2009.

Shian Luong
Special Programs Examiner
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Tel: (571) 272-4557
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Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
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SAN DIEGO, CA 92130-2040

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Cesare TANASSI et al.	:	
Application No. 12/532,619	:	DECISION ON PETITION
Filed: September 22, 2009	:	TO WITHDRAW
Attorney Docket No. **SIFDNZ00500**	:	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 19, 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 05, 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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **LEVINE BAGADE HAN LLP**
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUSCH BLACKWELL SANDERS LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED

MAY 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	DECISION ON PETITION
Application No. 12/532,622	:	TO WITHDRAW
Filed: October 27, 2009	:	FROM RECORD
Attorney Docket No. 481315-006-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 12, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Husch Blackwell Sanders LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Application Data Sheet filed September 22, 2009 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Declaration filed October 27, 2009.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
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SAN DIEGO, CA 92130-2040

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Cesare TANASSI et al.	:	
Application No. 12/532,623	:	DECISION ON PETITION
Filed: September 22, 2009	:	TO WITHDRAW
Attorney Docket No. **SIFDNZ00600**	:	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 19, 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 05, 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: **LEVINE BAGADE HAN LLP**
2400 GENG ROAD, SUITE 120
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MAY 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Zhang et al.	:	DECISION ON PETITION
Application No. 12/532,626	:	TO WITHDRAW
Filed: November 3, 2009	:	FROM RECORD
Attorney Docket No. 481315-012	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed April 12, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Husch Blackwell Sanders LLP does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable. Further, a review of USPTO records reveals that the Application Data Sheet filed September 22, 2009 was improperly recorded as a Power of Attorney by the USPTO. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address according to the Declaration filed November 3, 2009.

All future communications from the Office will continue to be directed solely to the address of record until proper instructions have been received.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

23 NOV 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

03000
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.
11TH Floor, Seven Penn Center
1635 Market Street
Philadelphia, PA 19103-2212

In re Application of	
CARNALL, Martin	
U.S. Application No.: 12/532,775	**DECISION ON**
PCT No.: PCT/GB2006/001792	**PETITION UNDER**
Int. Filing Date: 12 May 2006	**37 CFR 1.137(b)**
Priority Date: 13 May 2005	
Docket No.: S1011/20251	
For: AN IMPROVED GAS OPERATED GUN MECHANISM	

Applicant's petition to revive under 37 CFR 1.137(b) filed on 23 September 2009 with the national stage papers 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 1.497(a) and (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

16 NOV 2009

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

LUCAS & MERCANTI, LLP
475 PARK AVENUE SOUTH
15TH FLOOR
NEW YORK NY 10016

In re Application of	:	
ANSALDI, Pierluigi, et al.	:	
Application No.: 12/532,810	:	DECISION
PCT No.: PCT/IB2007/003671	:	
Int. Filing Date: 23 November 2007	:	ON PETITION UNDER
Priority Date: 30 November 2006	:	
Docket No.: B&Z-190	:	37 CFR 1.137(b)
For: DEVICE FOR DETECTING AND SIGNALLING MALFUNCTIONS IN THE USE OF ELECTRICAL APPLIANCES	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 23 September 2009 is **GRANTED**.

Applicant states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have furnished a declaration of the inventors. The fee for furnishing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 02-2275, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BC

December 16, 2009

In re application of Hironobu Oki Serial No. 12/532,885 Filed: September 24, 2009 For: SOLID ACID CATALYST FOR PRODUCTION OF POLYESTER, PROCESS FOR PRODUCTION OF THE CATALYST, AND PROCESS FOR PRODUCTION OF POLYESTER USING THE CATALYST	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed October 28, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:
(3) Claims 5 and 6 of the present application do not correspond to any allowable/patentable claims in the JPO application.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

A proper response to this decision would include the cancellation of claims 5 and 6.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 4, 2010

BC

In re application of	:	DECISION ON REQUEST TO
Hironobu Oki	:	PARTICIPATE IN PATENT
Serial No. 12/532,885	:	PROSECUTION HIGHWAY
Filed: September 24, 2009	:	PROGRAM AND
For: SOLID ACID CATALYST FOR PRODUCTION OF POLYESTER, PROCESS FOR PRODUCTION OF THE CATALYST, AND PROCESS FOR PRODUCTION OF POLYESTER USING THE CATALYST	:	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 October 28, 2009. The decision mailed on December 16, 2009 is vacated in view of the present decision.

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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

b. An English language translation of the 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

13 JAN 2010

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of:	:	
MITSUTANI, Noritake	:	
U.S. Application No.: 12/532,966	:	DECISION
PCT Application No.: PCT/JP2007/064579	:	
International Filing Date: 25 July 2007	:	
Priority Date: 27 March 2007	:	
Attorney's Docket No.: 12699/145	:	
For: HYBRID VEHICLE AND CONTROL METHOD THEREOF	:	

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed 11 January 2010. Applicants have submitted the required $400 petition fee.

BACKGROUND

On 05 January 2010, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The communication noted that the original national stage materials filed on 01 December 2008 referred to two different international applications, PCT/**JP2007**/064579 and PCT/**JP2008**/064579.

On 11 January 2010, applicant filed the "Petition Under 37 CFR 1.182" considered herein.

DISCUSSION

The present petition confirms that correct international application number for the present national stage application is PCT/**JP2007**/064579 and that the indication of international application PCT/**JP2008**/064579 during the electronic filing process was the result of a typographical error. Applicants note that the correct international application number was contained in the materials filed on 01 December 2008 (e.g., on the declaration, the preliminary amendment, and the Transmittal Letter). Finally, applicants' petition included payment of the $400 petition fee required with respect to a petition under 37 CFR 1.182.

The present submission satisfies the requirements for a grantable petition to correct the inadvertent error in the international application number indicated during the electronic filing process. Accordingly, the materials filed herein on 24 September 2009, including the payment

of the basic national fee, will be treated as having been directed to international application PCT/**JP2007**/064579.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 24 September 2009 will be treated as the U.S. national stage of PCT/**JP2007**/064579. It is noted that such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of such application.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 24 September 2009.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

Best Available Copy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/533,053	07/31/2009	Tooru Ooiwa	MNL-2635-802	6854

7590 07/22/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
07/22/2010	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

Refund Date [illegible]

Credit Card Refund Totals [illegible]

[illegible]

Adjustment date: 07/22/2010 NFARMER
[illegible]
[illegible] -540.00 [illegible]

FORM PET651G (Rev. 08/07)

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THE ESTEE LAUDER COS, INC
155 PINELAWN ROAD
STE 345 S
MELVILLE NY 11747

COPY MAILED

DEC 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Tsung-wei Robert Mou, et al.	:	
Application No. 12/533,107	:	DECISION ON PETITION
Filed: July 31, 2009	:	
Attorney Docket No. 08.40-2	:	

This is a decision on the petition under 37 CFR 1.182, filed October 5, 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 1615 for examination in due course.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
12/533,107	07/31/2009	1615	1440	08.40-2	12	4

CONFIRMATION NO. 6957

CORRECTED FILING RECEIPT

23487
THE ESTEE LAUDER COS, INC
155 PINELAWN ROAD
STE 345 S
MELVILLE, NY 11747

Date Mailed: 12/10/2009

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)

Tsung-wei Robert Mou, Stony Brook, NY;
Fatemeh Mohammadi, Hauppauge, NY;
Lisa Qu, Flushing, NY;
Anna Czarnota, Huntington Station, NY;
Tamar Lara Kamen, New York, NY;

Power of Attorney: The patent practitioners associated with Customer Number 23487

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/097,273 09/16/2008

Foreign Applications

If Required, Foreign Filing License Granted: 08/12/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/533,107**

Projected Publication Date: 03/18/2010

Non-Publication Request: No

Early Publication Request: No

Title

Method And System For Providing Targeted And Individualized Delivery Of Cosmetic Actives

Preliminary Class

424

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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CARLSON GASKEY & OLDS/MASCO CORPORATION
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

MAILED

JAN 14 2010

OFFICE OF PETITIONS

In re Application of :
Hoernig, et al. :
Application No. 12/533,110 : DECISION ACCORDING STATUS
Filed: July 31, 2009 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 136-3113-U :

This is in response to the petition under 37 CFR 1.47(a), filed November 19, 2009.

The petition under 37 C.F.R. § 1.47(a) is **GRANTED**.

The petition and declaration have been reviewed and determined to be in compliance with 37 C.F.R. § 1.47(a).

The application is hereby accorded Rule 47 status.

As provided in 37 C.F.R. § 1.47(c), the Office will provide notice of this application's filing to the non-signing inventors at the last known address provided in the petition. Notice will also be provided 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

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

ROSS CARL
232 ASHLAND AVE
RIVER FOREST IL 60305

MAILED

JAN 14 2010

OFFICE OF PETITIONS

In re Application of :
Hoernig, et al. :
Application No. 12/533,110 :
Filed: July 31, 2009 : CORRECTED LETTER
Title: Tub and Shower Surround with :
Hidden Storage

Dear Mr. Carl:

You are named as an 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 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 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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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.
12/533,201	07/31/2009	Kunimasa Kawamura	03500.162999	7140

5514 7590 06/02/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER	
SCHMITT, BENJAMIN R	

ART UNIT	PAPER NUMBER
2884	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of
KAWAMURA et al.
Application No.: 12/533,201
Filed: 31 July 2009
Attorney Docket No.: 03500.162999
For: ELECTROPHOTOGRAPHIC DEVELOPING MEMBER, PROCESS FOR ITS PRODUCTION ...

: 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 May 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.

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

Commissioner for Patents
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P.O. Box 1450
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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

MAILED

SEP 17 2009

OFFICE OF PETITIONS

In re Application of :
Gibofsky et al. :
Application No. 12/533,476 : ON PETITION
Filed: July 31, 2009 :
Attorney Docket No. 186072-0001 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 31, 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 and his attorney that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2161 for action on the merits commensurate with this decision.

Alicia Kelley
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

CST

October 7, 2009

In re application of	:	DECISION ON REQUEST TO
Do Hyung Kang et al	:	PARTICIPATE IN PATENT
Serial No. 12/533,477	:	PROSECUTION HIGHWAY
Filed: July 31, 2009	:	PROGRAM AND
For: LIQUEFIED EXTRACT OF MARINE ALGAE FOR PRODUCING BIO-ETHANOL	:	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 July 31, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(6) Applicant must submit:
c. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
d. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

In a review of the KIPO office action provided by applicant, it appears that the document cited by the KIPO has not been cited in an IDS in the current application, specifically, a copy of "Prospect and future of bio-ethanol using marine algae," Yong-jin Kim, presented July 24, 2008 has not been provided.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

November 10, 2009

In re application of	:	DECISION ON REQUEST TO
Do Hyung Kang et al	:	PARTICIPATE IN PATENT
Serial No. 12/533,477	:	PROSECUTION HIGHWAY
Filed: July 31, 2009	:	PROGRAM AND
For: LIQUEFIED EXTRACT OF MARINE ALGAE FOR PRODUCING BIO-ETHANOL	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed October 29, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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

07 OCT 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DICKSTEIN SHAPIRO LLP
1633 BROADWAY
NEW YORK, NY 10019

In re Application of NISHINO	:	
U.S. Application No.: 12/533,538	:	
PCT Application No.: PCT/JP2008/051292	:	
Int. Filing Date: 29 January 2008	:	DECISION
Priority Date Claimed: 30 January 2007	:	
Attorney Docket No.: M1071.2154	:	
For: PHOTOSENSITIVE GLASS PASTE AND MULTILAYER WIRING CHIP COMPONENT	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 31 July 2009.

BACKGROUND

On 29 January 2008, applicant filed international application PCT/JP2008/051292, which claimed priority of an earlier Japan application filed 30 January 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 07 August 2008. The thirty-month period for paying the basic national fee in the United States expired on 30 July 2009.

On 31 July 2009, international application PCT/JP2008/051292 became abandoned as to the United States for failure to timely pay the basic national fee.

On 31 July 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 in the form of a continuation application filed under 35 U.S.C. 111(a).

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.

International application PCT/JP2008/051292 is being revived for purposes of continuity only and since continuity has been established by this decision, international application PCT/JP2008/051292 is again abandoned as to the United States in favor of the continuation application submitted with the present petition.

This application is being forwarded to the Office of Patent Application Processing for processing as a continuation application under 35 U.S.C. 111(a).

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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NOV 16 2009

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

In re application of	:	DECISION ON REQUEST TO
Matthew Cugnet	:	PARTICIPATE IN PATENT
Application No. 12/533,610	:	PROSECUTION HIGHWAY PILOT
Filed: July 31, 2009	:	PROGRAM AND PETITION
For: ISOLATING WELL BORE PORTIONS	:	TO MAKE SPECIAL UNDER
FOR FRACTURING AND THE LIKE	:	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 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 a foreign country;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the foreign country
(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 foreign 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 foreign application(s) containing the allowable/patentable claim(s);
(6) Applicant must submit an IDS listing the documents cited by the foreign examiner in the foreign 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 petition and request to participate in the PPH pilot program 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, 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.

The application will be 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

TL: 11/13/09

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OFFICE OF PETITIONS

In re Application of :
Quing Gong, Weiguo Yang, Lin Jiang and : DECISION GRANTING STATUS
Jingyu Ren : UNDER 37 CFR 1.47(a)
Application No. 12/533,664 :
Filed: July 31, 2009 :
Attorney Docket No. 13742-74

This is in response to the petition under 37 CFR 1.47(a), filed July 31, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Jiang 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 pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
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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Lin Jiang
No.1 Baoping Road Baolong
Longgang Shenzhen 518116
P.R. China

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SEP 08 2009

OFFICE OF PETITIONS

In re Application of
Quing Gong, Weiguo Yang, Lin Jiang and Jingyu Ren
Application No. 12/533,664
Filed: July 31, 2009
Attorney Docket No. 13742-74

Dear Sir:

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) 272-3215. 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).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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. 12/533,680	:	ON PETITION
Filed: July 31, 2009	:	
Attorney Docket No. TS-02-26C79	:	

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/533,686	07/31/2009	Toshihiro Morohoshi	6639P764	8071

7590 04/22/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2192	
MAIL DATE	DELIVERY MODE
04/22/2010	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: 04/23/2010 YFARMER
04/22/2010 INTERSW 00002685 12533686
02 FC:1111 540.00 CR

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.
12/533,686	07/31/2009	Toshihiro Morohoshi	6639P764	8071

7590 04/23/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
KOONTZ, TAMMY J	

ART UNIT	PAPER NUMBER
3974	

MAIL DATE	DELIVERY MODE
04/23/2010	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

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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EDWARD J. MARSHALL, ATTORNEY AT LAW
(FOR CLEAR CHANNEL COMMUNICATIONS, INC)
8705 SHOAL CREEK
SUITE 202
AUSTIN, TX 78757

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of	:	
Bobbi Denise Schuster, et al.	:	DECISION GRANTING STATUS
Application No. 12/533,872	:	UNDER 37 CFR 1.47(a)
Filed: July 31, 2009	:	
Attorney Docket No. 000416.000010	:	

This is a decision on the petition filed under 37 CFR 1.47(a), filed October 13, 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.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

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

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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MR. STEVEN M. GABLE
618 WALDER TRAIL
SAN ANTONIO, TX 78258

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DEC 22 2009

OFFICE OF PETITIONS

In re Application of :
Bobbi Denise Schuster, et al. :
Application No.: 12/533,872 : LETTER
Filed: July 31, 2009 :
For: PROVIDING CONDITIONAL ADVERTISING :

Dear Mr. Gable:

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 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 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 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: EDWARD J. MARSHALL, ATTORNEY AT LAW
(FOR CLEAR CHANNEL COMMUNICATIONS, INC)
8705 SHOAL CREEK
SUITE 202
AUSTIN, TX 78757

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.
12/533,892	07/31/2009	Seongeun LEE	1630-0743PUS1	8468

2292 7590 07/21/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

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):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

JUL 21 2010

In re Application of	:	
Lee	:	DECISION ON PETITION
Application No. 12/533,892	:	TO MAKE SPECIAL UNDER
Filed: 7/31/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1630-0743PUS1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 7/12/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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OFFICE OF PETITIONS

Advanced Bionics, LLC
c/o RADER, FISHMAN & GRAUER, PLLC
10653 S. RIVER FRONT PKWY.
SUITE 150
SOUTH JORDAN UT 84095

In re Application of
Overstreet et al.
Application No. 12/533,963
Filed: July 31, 2009
Attorney Docket No. 40328-0163 (07-00524-03)

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 31, 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 items (1) and (4) set forth above.

Pursuant to petitioner's request deposit account no. 18-0013 will be charged the $200.00 petition fee.

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 Overstreet was presented with a copy of the complete application papers for this application. Unless petitioner can show that a copy of the application papers was presented to the inventor Overstreet , then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors , return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting 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. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

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.

Rule 47 applicant states that inventor Overstreet acknowledged receipt of the application, specification and figures. The petition also states that inventor Overstreet expressly refused to execute the application papers via e-mail. However, a review of the record shows a copy of the e-mail establishing that inventor Overstreet received the application papers and refused to execute the documents has not been submitted. As such the Office cannot conclude that inventor Overstreet has refused to execute the application papers.

As to item (4), a statement of the inventor's last known address is missing and is required.

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 the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Advanced Bionics, LLC
c/o RADER, FISHMAN & GRAUER, PLLC
10653 S. RIVER FRONT PKWY.
SUITE 150
SOUTH JORDAN UT 84095

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OFFICE OF PETITIONS

In re Application of
Edward H. Overstreet, Jian Xie, Michael S. Colvin and Michael A. Faltys
Application No. 12/533,963
Filed: July 31, 2009
Attorney Docket No. 40328-0163(07-00524-03)
For: MODULAR DRUG DELIVERY SYSTEM FOR MINIMIZING TRAUMA DURING AND AFTER INSERTION OF A COCHLEAR LEAD

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed November 9, 2009.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Overstreet 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.

It should be noted that when application papers are sent to an inventor via electronic mail, rule 47 applicant must establish that the documents were received and readable. Further to establish refusal or an inability to locate an inventor documentary evidence is required pursuant to MPEP 409.03 (d).

Deposit account no. 18-0013 will be refunded the duplicate $200 petition fee.

This application is being referred to art unit 3767 for processing in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

Edward H. Overstreet
23404 Gaucho Court
Valencia, CA 91355

In re Application of
Edward H. Overstreet, Jian Xie, Michael S. Colvin and Michael A. Faltys
Application No. 12/533,963
Filed: July 31, 2009
Attorney Docket No. 40328-0163(07-00524-03)
For: MODULAR DRUG DELIVERY SYSTEM FOR MINIMIZING TRAUMA DURING AND AFTER INSERTION OF A COCHLEAR LEAD

Dear Sir:

You are named as a co-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) 272-3215. 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).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: Advanced Bionics, LLC
c/o RADER, FISHMAN & GRAUER, PLLC
10653 S. RIVER FRONT PKWY.
SUITE 150
SOUTH JORDAN UT 84095

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TECHNOLOGY CENTER 2600

IPLA P.A.
3550 WILSHIRE BLVD.
17TH FLOOR
LOS ANGELES CA 90010

In re Application of
LEE, YEU YONG
Application No. 12/534,325
Filed: August 3, 2009
Attorney Docket No.: **2025-43**

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 November 25, 2009, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

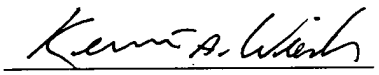
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH 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 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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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAIL

OCT 14 2009

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TECHNOLOGY CENTER 2600

In re Application of:
YOON, WOO SEONG et al.
Serial No.: 12/534,334
Filed: August 03, 2009

Title: **APPARATUS AND METHOD OF REPRODUCING AUDIO/VIDEO DATA AND ADDITIONAL DATA ASSOCIATED WITH THE AUDIO/VIDEO DATA**

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 August 03, 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 items 6.1 – 6.3.

Regarding the requirement in item 6.1 above, the accelerated examination support document (AESD) discuses two references deemed most closely related to the subject matter of the claims. However, the IDS filed with the Accelerated Examination Support Document fails to list either of these two references. All references deemed most closely related to the subject matter of the claims must be listed on the IDS. Furthermore, the IDS provided cites 115 references. None of which are discussed with respect to items 6.2 and 6.3 as required. It is noted, 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.

For these reasons cited 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 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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Alexandria, VA 22313-1450
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DIRECTOR'S OFFICE
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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of:
YOON, WOO SEONG et al
Serial No.: 12/534,334
Filed: August 03, 2009
Attorney Docket No: 20211-0100003
Title: **APPARATUS AND METHOD OF REPRODUCING AUDIO/VIDEO DATA AND ADDITIONAL DATA ASSOCIATED WITH THE AUDIO/VIDEO DATA**

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 29, 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 October 14, 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/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/534,349	08/03/2009	James W. Gibboney JR.	40678-5(a)	9474

44443 7590 10/07/2009

NEXSEN PRUET, LLC
PO DRAWER 2426
COLUMBIA, SC 29202-2426

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
10/07/2009	ELECTRONIC

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NEXSEN PRUET, LLC
PO DRAWER 2426
COLUMBIA SC 29202-2426

In re Application of:	:	
GIBBONEY JR, James W.	:	DECISION ON PETITION TO
Serial No.: 12/534,349	:	MAKE SPECIAL FOR NEW
Filed: August 3, 2009	:	APPLICATION UNDER 37
Title: METHOD FOR SECURING A MINATURE BLUB IN A HOLDER	:	C.F.R. § 1.102 & M.P.E.P. § 708.2

This is a decision on the petition filed on August 3, 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 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; 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 and 6) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 5. 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, it appears the search outlined in the petition omitted critical search areas by not searching in class 445 subclasses 23, 26, 29 and 32 at a minimum to include assembly or disassembly, fluorescent lamp and electrode. Any renewed petition should include the above outlined additional searching.

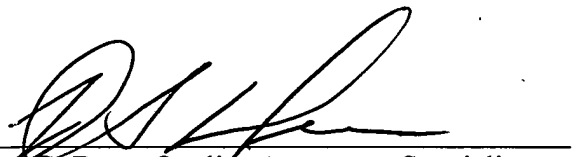
DECISION

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/534,349	08/03/2009	James W. Gibboney JR.	40678-5(a)	9474

44443 7590 11/19/2009

NEXSEN PRUET, LLC
PO DRAWER 2426
COLUMBIA, SC 29202-2426

EXAMINER	
ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
11/19/2009	ELECTRONIC

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COLUMBIA SC 29202-2426

In re Application of: GIBBONEY, Jr., James W. Serial No.: 12/534,349 Filed: August 3, 2009 Title: METHOD FOR SECURING A MINIATURE BULB IN A HOLDER	:	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 request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed October 21, 2009. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on October 7, 2009.

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.

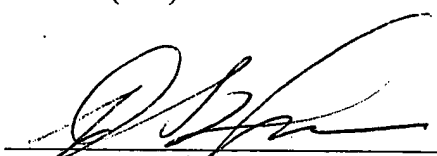
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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 Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



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P.O. BOX 828
BLOOMFIELD HILLS MI 48303

10/27/09

In re Application of:
CHA, SEUNG-HEE
Serial No.: 12/534,477
Filed: Aug. 3, 2009
Docket: 5835-000086
Title: METHOD FOR PROVIDING AUDIO GAME, APPARATUS AND COMPUTER-READABLE RECORDING MEDIUM WITH PROGRAM THEREFOR

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 pilot Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 13, 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 corresponding application(s) filed in the KIPO 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 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 fail to include:

Item 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;
Item 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)

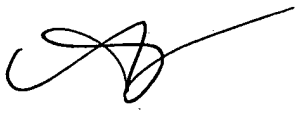
In the petition of August 13, 2009, the applicant submitted claims 1-7 in Korean language and claims 1-10 and 20-21 in English language. Petitioner also indicated there were 21 claims allowed by KIPO. Therefore, there are no 21 allowed claims presented in Korea and corresponding 21 claims in English.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **dismissed**.



Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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BLOOMFIELD HILLS MI 48303

11/10/09

In re Application of:
CHA, SEUNG-HEE
Serial No.: 12/534,477
Filed: Aug. 3, 2009
Docket: 5835-000086
Title: METHOD FOR PROVIDING AUDIO GAME, APPARATUS AND COMPUTER-READABLE RECORDING MEDIUM WITH PROGRAM THEREFOR

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 renewed request to participate in the pilot Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed November 6, 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 corresponding application(s) filed in the KIPO 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 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).

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation and corresponding US claims is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

This application is being 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 Dmitry Suhol, Art Unit 3714, at 571-272-4430 and accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The petition make special 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.
12/534,481	08/03/2009	John Larry Sanders	39650	9706

23589 7590 09/09/2009

HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

EXAMINER	
HOLT, ANDRIAE M	
ART UNIT	PAPER NUMBER
1616	

MAIL DATE	DELIVERY MODE
09/09/2009	PAPER

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23589
HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park, KS 66210

In re Application of
John Larry Sanders
Serial No.: 12/534,481
Filed: August 3, 2009
Attorney Docket No.: 39650

: 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 August 3, 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 an agreement 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, SPE, TC1600 at (571) 272-0562.

Cecilia Tsang
SPE, Art Unit 1654

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OFFICE OF PETITIONS

In re Application of Zafar et al. Application No. 12/534547 Filing or 371(c) Date: 08/03/2009 Attorney Docket No. 5222-13513/P1737/1D	: : : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the Petition Under 37 CFR § 1.47(a), filed with the application papers on August 3, 2009. Applicant files a copy of the oath/declaration from prior application 11/561,659, of which the above-identified application is a Divisional application. Applicant has also filed a copy of a Decision granting a petition according status under 37 CFR 1.47(a) in the prior application, no. 11/561,659.

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(a) 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 2624 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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JENKINS, WILSON, TAYLOR &
HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM NC 27707

MAILED

MAY 20 2010

OFFICE OF PETITIONS

In re Application of :
McCann et al. :
Application No. 12/534766 :
Filing or 371(c) Date: 08/03/2009 : ON PETITION
Attorney Docket Number: :
1322/349/2 :

This decision is in response to the petition to change name of inventor under 37 CFR 1.182, filed March 4, 2010.

The MPEP 605.04(c), Inventor Changes Name, provides

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The petition is hereby granted.

The name of inventor Peter Nas has been changed to Petrus Wilhelmus Adrianus Jacobus Maria Nas, and the name Petrus Wilhelmus Adrianus Jacobus Maria Nas has been entered and made of record in the above-identified application.

Applicant is advised to file a supplemental ADS as noted *supra*, and applicants are cautioned that 37 CFR 1.33(b) requires that amendments and other papers, except for written assertions pursuant to 37 CFR 1.27(c)(2)(ii), filed in the application to be signed by an appropriate party. Therefore, a supplemental ADS filed after the filing of an application must be signed in accordance with 37 CFR 1.33(b).

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

Enclosure: Corrected Filing Receipt

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
12/534,766	08/03/2009	2617	3596	1322/349/2	53	6

CONFIRMATION NO. 1205

CORRECTED FILING RECEIPT

25297
JENKINS, WILSON, TAYLOR & HUNT, P. A.
Suite 1200 UNIVERSITY TOWER
3100 TOWER BLVD.,
DURHAM, NC 27707

Date Mailed: 05/18/2010

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)

Thomas M. McCann, Raleigh, NC;
Petrus Wilhelmus Adrianus Jacobus Maria Nas, 's-Gravenhage (The Hague), NETHERLANDS;
Peter J. Marsico, Chapel Hill, NC;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/085,666 08/01/2008

Foreign Applications

If Required, Foreign Filing License Granted: 08/13/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/534,766**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEMS, METHODS, AND COMPUTER READABLE MEDIA FOR TRIGGERLESS MOBILE LOCATION-BASED ROUTING / SCREENING

Preliminary Class

455

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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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

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DEC 30 2009

OFFICE OF PETITIONS

In re application of :
Masato Iino et al :
Application No. 12/534,775 :
Filed: August 3, 2009 :
Attorney Docket No. Q114185 :

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 1616 for examination in due course.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/534,844	08/03/2009	MARK P. D'EVELYN	027364-002610US	1339

20350 7590 07/26/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
KUNEMUND, ROBERT M	

ART UNIT	PAPER NUMBER
1714	

MAIL DATE	DELIVERY MODE
07/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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SAN FRANCISCO CA 94111-3834

JUL 26 2010

In re Application of	:	
Mark P. D'Eyelyn	:	DECISION ON PETITION
Application No. 12/534,844	:	TO MAKE SPECIAL UNDER
Filed: August 03, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 027364-002610US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 8 above, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1714 for action on the merits commensurate with this decision.

/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.
12/534,857	08/04/2009	MARK P. D'EVELYN	027364-002810US	1367

20350 7590 07/26/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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EXAMINER	
RAO, G NAGESH	
ART UNIT	PAPER NUMBER
1714	

MAIL DATE	DELIVERY MODE
07/26/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUL 26 2010

In re Application of	:	
Mark P. D'Eyelyn	:	DECISION ON PETITION
Application No. 12/534,857	:	TO MAKE SPECIAL UNDER
Filed: August 04, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 027364-002810US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 8 above, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the $300 early publication fee in accordance with this notice.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1714 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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In re Application of	:	
Maryka QUIK et al.	:	
Application No. 12/534,928	:	DECISION ON PETITION
Filed: August 04, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16816-701.302	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 **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 is not signed by an attorney of record. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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 the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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JUL 06 2010

OFFICE OF PETITIONS

In re Application of :
QUIK, Maryka et al. :
Application No. 12/534,928 : DECISION ON PETITION
Filed: August 04, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **16816-701.302** : 37 CFR 1.102(c)(1)
:

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed June 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 attesting that James William Langston 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 1651 for action on the merits commensurate with this decision.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

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JAN 07 2010

In re Application of	:	
Quik et al.	:	
Application No. 12/534,935	:	ON PETITION
Filed: August 4, 2009	:	
Attorney Docket No. 16816-701.303	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 19, 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's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. 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 1614 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of	:	
Maryka QUIK et al.	:	
Application No. 12/534,946	:	DECISION ON PETITION
Filed: August 04, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 16816-701.402	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 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 **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 is not signed by an attorney of record. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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:

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Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Michelle R. Eason
Paralegal Specialist
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.
12/535,011	08/04/2009	Yoshihiro Hirasaka	JP920050081US3	1655

83986 7590 10/08/2009

IBM - END
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

EXAMINER	
ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
10/08/2009	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):

patents@shimokaji.com

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IBM - END
SHIMOKAJI & ASSOCIATES, P.C.
8911 RESEARCH DRIVE
IRVINE, CA 92618

In re Application of: HIRASAKA
Application No. 12/535,011
Filed: August 04, 2009
Atty. Docket No.: JP920050081US3
For: METHOD, SYSTEM, AND PROGRAM PRODUCT FOR CONTROLLING A DISPLAY ON A DATA EDITING SCREEN

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 August 04, 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

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In re Application of
Roy L. Fox

Application No. 12535099

Filed: August 4,2009

Attorney Docket No. 54834.0200

:
:
: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 18-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.

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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

MAILED NOV 30 2009

In re Application of: Bland et al.
Application No.: 12/535,262
Filed: August 4, 2009
Title: Combustor Nozzle

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 August 4, 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, 6.5, 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 6.4 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 PTO/SB/28 form, the "pre-examination search document" including pages 1-3; the "accelerated examination support document" (AESD) comprising pages 1-31, and an Information Disclosure Statement for AESD.

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 60 subclasses 746.

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, the dependent claims are not individually addressed as to whether their limitations would support patentability if the claims upon which they depend are not patentable. It is not sufficient to indicate that the claims are allowable because they depend from an allowable independent claim.

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 the independent claims specifically when discussing the utility of the invention.

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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PHILADELPHIA PA 19103

MAILED FEB 03 2010

In re Application of: Bland et al.
Application No.: 12/535,262
Filed: August 4, 2009
Docket: GTE-07-1548CON
Title: Combustor Nozzle

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 December 30, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/535,353	08/04/2009	Paul Kenneth Pickard	4241-704	1267

23448 7590 02/19/2010
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

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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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
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RESEARCH TRIANGLE PARK NC 27709

In re Application of	:	
Pickard et al	:	DECISION ON PETITION
Application No. 12/535,353	:	TO MAKE SPECIAL UNDER
Filed: 04 August 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 4241-704	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 24 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 2811 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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14 OCT 2009

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100 DUTCH HILL ROAD
SUITE 110
ORANGEBURG NY 10962-2100

In re Application of:	:	
SYROPYATOV, Vladimir	:	DECISION ON PETITION
U.S. Application No.: 12/535,354	:	UNDER 37 CFR 1.137(b)
Receipt Date: August 04, 2009	:	
Attorney Docket No.: J662-053 US	:	
For: UNIT FOR CATALYTIC GAS	:	
NITOGENATION OF STEELS	:	
AND ALLOYS	:	

This decision is issued in response to the "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed August 04, 2009. Applicant has paid the required petition fee.

BACKGROUND

On February 19, 2007, applicant filed international application PCT/RU2007/000079. The application claimed a priority date of November 24, 2006, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., May 24, 2009.

A request for entry into the U.S. national stage and payment of the basic national fee was not submitted on or prior to May 24, 2009. Accordingly, international application PCT/RU2007/000079 became abandoned with respect to the United States at midnight on May 24, 2009 (see 35 U.S.C. 371(d); 37 CFR 1.495(h)).

On August 04, 2009, applicant filed the present application under 35 U.S.C. 111(a). The first sentence of the description and the application data sheet (ADS) filed by applicant both identify the present application as a continuation application of PCT/RU2007/000079. Applicant's August 24, 2009 submission also included the petition for revival of international application PCT/RU2007/000079 considered herein.

DISCUSSION

The present petition was accompanied by payment of the required petition fee, and 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 requirements of 37 CFR 1.137(b)(2) and (3).

In addition, as discussed above, the first sentence of the description and the ADS both include appropriate references identifying the present application as a continuation of PCT/RU2007/000079. The filing of a continuation application under 35 U.S.C. 111(a) is accepted as the "required reply" under 37 CFR 1.137(b)(1) (see MPEP section 711.03(c)(II)(A)).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the international application as to the United States is appropriately granted.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **GRANTED**.

International application PCT/RU2007/000079 is revived for purposes of continuity only, and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuing application number 12/535,354.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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FOLEY & LARDNER
555 South Flower Street
SUITE 3500
LOS ANGELES CA 90071-2411

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
The-Kuan Liu	:	DECISION ON PETITION
Application No. 12/535,437	:	TO WITHDRAW
Filed: August 4, 2009	:	FROM RECORD
Attorney Docket No. 092757-0123	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 17, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **THUNDER GROUP, INC.**
780 S. Nogales Street
City of Industry, CA 91748

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MAILED NOV 30 2009

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Application of: Yasushi Shigeta. Application No.: 12/535,473 Filed: August 4, 2009 Title: Table Game System	:	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 August 4, 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 four page PTO/SB/28 form, the "pre-examination search document" including pages 1-14; the "accelerated examination support document" comprising pages 1-55, and an Information Disclosure Statement including form PTO/SB/08A.

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 273 subclasses 149R and 295. Searching in class 250 subclass 556 and class 235 subclass 487 also appears on point. Proquest is a non-patent literature database that must be searched. Keyword logic that must be searched is (East search terminology is used):
play$3 with card same (ultraviolet|uv|black$light)
play$3 with card same determin$3 with (win$3|winning|los$4) with (shoe|shooter|shuffl$3)
play$3 with card with (win$3|winning|los$4) with (shoe|shooter|shuffl$3)

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. Specifically, on page 7 petitioner refers to references that are predated by the claim of priority, however, petitioner has not shown support of all claimed elements through out the entire chain of priority. Therefore, petitioner has not clearly shown that these refernces should not be included as part of the closest references needing to be discussed. In addition, since the search is not complete as noted above, it is not clear whether additional references will be found that will 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, all the dependent claims have not been discussed. A statement to each claim must be included in order to determine that none of the claims were inadvertently omitted. In addition, since the search is not complete as noted above, it is not clear whether additional references will be found that will need to be discussed.

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 the independent claims 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. 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 the first paragraph of 35 U.S.C. 112 in each such application in which such support exists. Applicants should specify where in the specification each limitation of the claim finds support. 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, Section 6; and (2) the structure, material, or acts in the specification that correspond to each means- (or step-) plus-function claim element that invokes consideration under 35 U.S.C. 112(6). Where the limitation is intended to cover multiple embodiments of the structures, acts, or materials to perform the recited function, each should be separately identified under this requirement. Petitioner has not shown support in all applications for which priority is claimed. Applications 12/231657, 12/535473, 11/929727, JP 2004-079519, and JP 2003-5319 have not been included. It is noted

the English language translations are needed for JP 2004-079519 and JP 2003-5319 in order to show support in these specifications. In addition, the showing does not clearly set forth the structure, material or acts in the specifications that correspond to each means plus function for any of the applications. While petitioner points to paragraphs of the specification where the means are located, this does not identify what means plus function corresponds to what structures, acts, or materials performing the recited function. It would appear a separate chart for identifying the means plus function elements would be helpful.

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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Alexandria, VA 22313-1450
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MAILED FEB 16 2010

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Application of: Yasushi Shigeta
Application No.: 12/535473
Filed: August 4, 2009
Docket: 03125/64
Title: Table Game System

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 December 30, 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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GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

JUN 0 1 2010

OFFICE OF PETITIONS

In re Application of :
D'ANGELO, Kenneth :
Application No. 12/535,518 : DECISION ON PETITION
Filed: August 04, 2009 : TO WITHDRAW
Attorney Docket No. 412-114 : 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 April 16, 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 Timothy Gibson on behalf of all attorneys of record who are associated with customer No. 27538. All attorneys/agents associated with the Customer Number 27538 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Kenneth D'Angelo at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **KENNETH D'ANGELO**
RAZOR SPORTS INC.
39 BROADWAY ROAD
WARREN NJ 07059

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CST

March 22, 2010

In re application of	:	DECISION ON REQUEST TO
Tomoaki Arimura	:	PARTICIPATE IN PATENT
Serial No. 12/535,558	:	PROSECUTION HIGHWAY
Filed: August 4, 2009	:	PROGRAM AND
For: POLYMER ELECTROLYTE	:	PETITION TO MAKE SPECIAL
MEMBRANE FOR DIRECT	:	UNDER 37 CFR 1.102(d)
METHANOL FUEL CELL	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 18, 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.

It is noted that on the Request for Participation in the PPH program, the box is checked that a copy of the latest JPO office action is attached, however a review of the JPO file shows that the JPO application was allowed in a first office action.

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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VALLEY FORGE, PA 19482

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MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Elmar Platzgummer et al :
Application No. 12/535,744 : NOTICE
Filed: August 5, 2009 :
Attorney Docket No. IMSN-117US

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**.

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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Paper No.

DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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SEP 0 8 2009

OFFICE OF PETITIONS

In re Application of	:	
Newton and Tucker	:	
Application No. 12/535,964	:	DECISION ON PETITION
Filed: August 5, 2009	:	PURSUANT TO
Attorney Docket No. D1815-00321	:	37 C.F.R. § 1.47(A)
Title: ENHANCED THICKNESS	:	
FABRIC AND METHOD OF MAKING	:	
SAME	:	

This is in response to the petition pursuant to 37 C.F.R. § 1.47(a), filed on August 5, 2009.

This petition is **DISMISSED.**

On August 5, 2009, the application was filed, identifying Messrs. Newton and Tucker as joint inventors. On initial deposit, Petitioner included a declaration that was executed by Mr. Tucker, along with, *inter alia*, this petition, the last known address of the non-signing inventor along with an assertion that he has refused to execute the declaration, a statement of facts, and copies of letters.

The $200 petition fee will be charged to Petitioner's Deposit Account in due course, as authorized on the Fee Transmittal sheet.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(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 address 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). The second requirement is not applicable, as this application was included on initial deposit.

Regarding the fourth requirement of 37 C.F.R. § 1.47(a), Petitioner has asserted that the non-signing inventor has refused to execute the declaration. Where a refusal of an inventor to sign the application papers is alleged, the Office requires the petitioner to establish that a bona fide attempt was made to send a complete copy of the application, which entails the specification, claims, drawings, and oath or declaration.[1] Clearly, one cannot refuse to sign something that one has not seen. 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. It is reasonable to require that the inventor be presented with the application papers before a petition under Rule 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.[2]

The record does not support a finding that a complete copy of the application was sent to the last known address of the non-signing inventor. Petitioner has set forth that Mr. Tucker refused to execute the declaration,[3] however the statement of facts makes no mention of any presentation of a complete copy of the application to Mr. Tucker.

Before filing the renewed petition, Petitioner should mail a complete copy of the application to the last known residential address of the non-signing joint inventor, and provide him with a reasonable period of time to respond. Petitioner should note that any statement that pertains to the presentation should be

1 See MPEP § 409.03(d).
2 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
3 Cronk statement of facts, paragraph 3.

made by one having firsthand knowledge of the event. Statements based on hearsay are not normally accepted.

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.

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
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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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Newton and Tucker	:	
Application No. 12/535,964	:	DECISION ON RENEWED PETITION
Filed: August 5, 2009	:	PURSUANT TO
Attorney Docket No. D1815-00321	:	37 C.F.R. § 1.47(A)
Title: ENHANCED THICKNESS	:	
FABRIC AND METHOD OF MAKING	:	
SAME	:	

This is in response to the renewed petition pursuant to 37 C.F.R. § 1.47(a), filed on November 5, 2009.

This renewed petition is **GRANTED.**

On August 5, 2009, the application was filed, identifying Messrs. Newton and Tucker as joint inventors. On initial deposit, Petitioner included a declaration that was executed by Mr. Tucker, along with, *inter alia*, the last known address of the non-signing inventor, an assertion that he has refused to execute the declaration, a statement of facts, and copies of letters.

A grantable petition pursuant to 37 C.F.R. § 1.47(a) requires:

(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 address 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.

An original petition pursuant to 37 C.F.R. § 1.47(a) was included on filing, and was dismissed via the mailing of a decision on September 8, 2009, which indicated that requirements (1), (3), and (5) of 37 C.F.R. § 1.47(a) had been satisfied, and that the second requirement is not applicable, as the original petition had been included on initial deposit.

With this renewed petition, Petitioner has indicated that a complete copy of the application was mailed to the last known residential address of the non-signing joint inventor, and that a response has not been received. As such, the fourth requirement of 37 C.F.R. § 1.47(a) has been satisfied.

Moreover, this application is a division of 11/155,129. On October 30, 2009, Petitioner submitted a paper which indicates that Rule 47 status was accorded to prior-filed application No. 11/155,129 via the mailing of a decision on December 1, 2005, and included a copy of the decision according Rule 47 status to the prior-filed application.

37 C.F.R. § 1.63(d)(3) sets forth, *in toto*:

> 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.

See also MPEP § 201.06(c)(VI).

Therefore, the petition is **GRANTED** and this application is hereby accorded Rule 1.47(a) 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 given on the declaration that was included on filing. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[1] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

COPY MAILED

DEC 07 2009

OFFICE OF PETITIONS

Mark W. Tucker
PO Box 336
Waubaushere, ON L0K 2C0
CANADA

In re Application of	:	
Newton and Tucker	:	
Application No. 12/535,964	:	
Filed: August 5, 2009	:	LETTER
Attorney Docket No. D1815-00321	:	
Title: ENHANCED THICKNESS	:	
FABRIC AND METHOD OF MAKING	:	
SAME	:	

Dear Mr. Tucker:

You are named 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 C.F.R. § 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 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: DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FRANCISCO FERRER
25 WINDING BROOK LANE
WALLINGFORD CT 06492

MAILED

MAY 25 2010

OFFICE OF PETITIONS

In re Application of	:	
Francisco Rivera FERRER	:	
Application No. 12/536,318	:	DECISION ON PETITION
Filed: August 05, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 283-0111-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 29, 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 can not be approved because, there is no indication that the person signing the petition was ever given a power of attorney to prosecute the application.

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 571-272-4231.

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 1795 for action in its regular turn.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/536,365	08/05/2009	Koji Miyazaki	6639P768	3200

7590 05/04/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
OMETZ, DAVID LOUIS	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
05/04/2010	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.

Kaletus Buchanan

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
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/536,365	08/05/2009	Koji Miyazaki	6639P768	3200

7590 05/04/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
OMETZ, DAVID LOUIS	
ART UNIT	**PAPER NUMBER**
2622	
MAIL DATE	**DELIVERY MODE**
05/04/2010	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.

Kalitus Buchanan

Patent Publication Branch
Office of Data Management

Adjustment date: 05/05/2010 KKING1
08/06/2009 INTEFSW 00006490 022666 12536365
02 FC:1111 540.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/536,368	08/05/2009	Tomoko Kitamura	6639P770	3216

8791 7590 03/09/2010

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
03/09/2010	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 & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of
KITAMURA et al.
Application No.: 12/536,368 : **DECISION ON REQUEST TO**
Filed: 05 August 2009 : **PARTICIPATE IN THE PATENT**
Attorney Docket No.: 6639P770 : **PROSECUTION HIGHWAY**
For: ELECTRONIC APPARATUS : **PROGRAM AND PETITION**
HAVING AN EXTERNAL : **TO MAKE SPECIAL UNDER**
CONNECTOR : **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 27 January 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has 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).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

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INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402

MAILED

OCT 26 2009

OFFICE OF PETITIONS

In re Application of :
Robert C. Grommesh et al. :
Application No. 12/536,388 : DECISION ON PETITION
Filed: August 5, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. **44046.103.289.4** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 1795 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.
12/536,413	08/05/2009	David Chapman	OAST 1000-5 AE	3313

22470 7590 10/06/2009

HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY, CA 94019

EXAMINER	
ART UNIT	PAPER NUMBER
2825	

MAIL DATE	DELIVERY MODE
10/06/2009	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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HAYNES BEFFEL & WOLFELD LLP
P O BOX 366
HALF MOON BAY CA 94019

In re Application of:
David CHAPMAN et al.
Serial No.: 12/536,413
Filed: August 5, 2009
Title.: METHODS AND DEVICES FOR INDEPENDENT EVALUATION OF CELL INTEGRITY, CHANGES AND ORIGIN IN CHIP DESIGN FOR PRODUCTION WORKFLOW

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 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed August 5, 2009.

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 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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IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

MAILED NOV 3 0 2009

In re Application of: Barnes et al.
Application No.: 12/536,861
Filed: August 6, 2009
Title: Venturi Cooling System

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 August 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 **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, 6.5 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 6.4 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 PTO/SB/28 form, the "pre-examination search document" including pages 1-5; the "accelerated examination support document" (AESD) comprising pages 1-25, and an Information Disclosure Statement for AESD.

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 60 subclasses 732, 733, 747, and 752.

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, the dependent claims are not individually addressed as to whether their limitations would support patentability if the claims upon which they depend are not patentable. It is not sufficient to indicate that the claims are allowable because they depend from an allowable independent claim.

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 the independent claims specifically when discussing the utility of the invention.

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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MAILED FEB 03 2010

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of: Barnes et al.
Application No.: 12/536,861
Filed: August 6, 2009
Docket: GTE-08-1255CON
Title: Venturi Cooling System

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 December 30, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/536,925	08/06/2009	Damian Fiolka	21070-0036001 / P090773US	4317

26161 7590 09/23/2009
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2872	

NOTIFICATION DATE	DELIVERY MODE
09/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110

In re Application of
Damian FIOLKA
Application No.: 12/536,925
Filed: 06 August 2009
Attorney Docket No.: 21070-0036001

For : ILLUMINATION OPTICS FOR A MICROLITHOGRAPHIC PROJECTION EXPOSURE APPARATUS

: 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 06 August 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA, note where the DPMA application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the DPMA application with similar claims and the DPMA priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the DPMA application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 DPMA application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DPMA 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 DPMA application is a first action allowance then no office action from the DPMA is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from i) or ii) 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 DPMA 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 DPMA examiner in the DPMA 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 1-6 above are considered to have been met. However the request to participate in the PPH program fails to meet condition 7.

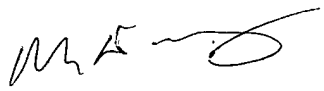
Regarding condition 7, Petitioner has not paid the fee required under 37 CFR 1.17(h).

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 unless this is a request from the program in which case a fax submission is also acceptable. Fax may be sent to Brian Sircus at 571-273-2058.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-2058.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.



Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/536,925	08/06/2009	Damian Fiolka	21070-0036001 / P090773US	4317

26161 7590 12/03/2009

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MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2851	

NOTIFICATION DATE	DELIVERY MODE
12/03/2009	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.

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FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110

In re Application of
Damian FIOLKA
Application No.: 12/536,925
Filed: 06 August 2009
Attorney Docket No.: 21070-0036001

For : ILLUMINATION OPTICS FOR A MICROLITHOGRAPHIC PROJECTION EXPOSURE APPARATUS

: 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 06 August 2009, and renewed request, filed 30 September 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA, note where the DPMA application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the DPMA application with similar claims and the DPMA priority application;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the DPMA application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO 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 DPMA application(s) and
    b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DPMA 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 DPMA application is a first action allowance then no office action from the DPMA is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from i) or ii) 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 DPMA 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 DPMA examiner in the DPMA 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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652 unless this is a request from the pilot program in which case a fax submission is also acceptable. Fax may be sent to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Michael Day
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/537,102	08/06/2009	Shaoher X. Pan	68612-8001.US03	4683

22918 7590 02/22/2010

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

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):

patentprocurement@perkinscoie.com
skempe@perkinscoie.com

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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE WA 98111-1208

In re Application of	:	
Shaoher X. PAN	:	DECISION ON PETITION
Application No. 12/537,102	:	TO MAKE SPECIAL UNDER
Filed: 06 August 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 68612-8001.US03	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 22 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 2811 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.
12/537,319	08/07/2009	Andreas HÖRLLE	P/5488-6	5133

2352 7590 03/11/2010
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER	
ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
03/11/2010	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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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Application of
HORLLE et al.
Application No.: 12/ 537,319
Filed: 07 August 2009
Attny Docket No.: P/5488-6
For: MEDICAL TECHNOLOGY DEVICE AND MEDICAL TECHNOLOGY DEVICE ARRANGEMENT

: 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 09 February 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DPMA;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DPMA 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 DPMA 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 DPMA 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 DPMA examiner in the DPMA office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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CHRISTOPHER M. GOFF (27839)
ARMSTRONG TEASDALE LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST. LOUIS MO 63102

COPY MAILED

OCT 27 2009

OFFICE OF PETITIONS

In re Application of
Jason C. Cohen et al.
Application No. 12/537,334
Filed: August 7, 2009
Attorney Docket No. **K-C 64589682**
(27839-03288)

: DECISION GRANTING
: PETITION

This is a decision on the filing date petition filed September 4, 2009 under 37 CFR 1.57(a). The petition is treated under 37 CFR 1.53(e)(2).

The application was filed on August 7, 2009. However, on August 27, 2009 the Office of Data Management mailed a Notice of Incomplete Application stating that the application had not been filed with drawings and thus, the application could not be accorded a filing date.

In response, the present petition was filed. Petitioner contends that the instant application, upon filing, properly claimed priority to previously filed non-provisional U.S. Application No. 10/915,642 which was incorporated by reference.

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[.]

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 to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of August 7, 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 has been referred to Office of Patent Application Processing for:

- correction of the filing date to August 7, 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
Supervisory 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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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

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SEP 25 2009

OFFICE OF PETITIONS

In re Application of :
Ray J. KING :
Application No. 12/537,464 : DECISION ON PETITION TO MAKE
Filed: August 7, 2009 : SPECIAL UNDER 37 CFR 1.102(c)(1)
Attorney Docket No. **054452/363619** :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 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 the certification of attorney Karl H. Koster registration number 50684, attesting to the as of inventor Ray James King. Accordingly, the above-identified application will be accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at 571-272-4000.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the office of Initial Patent Examination for processing. This application will be accorded "special" status when pre-examination processing is done.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

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JAN 13 2010

In re Application of	:	
Michael T. Gallagher et al.	:	
Application No. 12/537,564	:	DECISION ON PETITION
Filed: August 07, 2009	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 30991/42613B	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102(c)(2), 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 **GRANTED**.

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 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 Tammara Peyton at 571-272-6052.

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 1797 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.
12/537,632	08/07/2009	Thomas Tuschl	2923-980	5757

6449 7590 02/22/2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
BOWMAN, AMY HUDSON

ART UNIT	PAPER NUMBER
1635	

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):

PTO-PAT-Email@rfem.com

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FEB 22 2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of: :
Tuschl et al. :
Serial No.: 12/537,632 : PETITION DECISION
Filed: August 7, 2009 :
Attorney Docket No.: **2923-980**

This is in response to the petition under 37 CFR § 1.59(b), filed February 12, 2010 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information subjected to a protective order submitted on February 12, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that 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, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

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

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Alexandria, VA 22313-1450
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OCT 0 2 2009

OFFICE OF PETITIONS

MICHAEL WINFIELD GOLTRY
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX, AZ 85012

In re Application of :
John Pappas et al :
Application No. 12/537,673 : DECISION ON PETITION
Filed: August 7, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 4896-PA1 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 7, 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 Inventors John Pappas and Delaine Pappas stating they are 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 3767 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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FOX ROTHSCHILD LLP
2000 MARKET STREET
10TH FLOOR
PHILADELPHIA PA 19103

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AUG 28 2009

OFFICE OF PETITIONS

In re Application of :
Jerry Lee Magnuson :
Application No. 12/537,691 : ON PETITION
Filed: August 7, 2009 :
Attorney Docket No. P35821A US/98213-00001 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 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 the attorney for the applicant that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Alicia Kelley 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 1614 for action on the merits commensurate with this decision.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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In re Application of
Morris D. Patterson

Application No. 12537735

Filed: August 7,2009

Attorney Docket No. pattersonm p4

:
:
: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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/537,772	08/07/2009	Bulut F. Ersavas	CMJ-00101	6059

25181 7590 02/04/2010

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

EXAMINER	
ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
02/04/2010	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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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

In re Application of	:	
ERSAVAS, BULUT F.	:	DECISION ON PETITION
Application No. 12/537,772	:	TO MAKE SPECIAL UNDER
Filed: Aug. 7, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. CMJ-00101	:	PILOT PROGRAM
Title: METHOD AND SYSTEM FOR REMOTE WIRELESS MONITORING AND CONTROL OF CLIMATE IN GREENHOUSES		

This is a decision on the petition under 37 CFR 1.102, filed Jan. 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. In regard to item 1, petitioner should note that this application has been classified in an area (USPC 236/051) 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 3744 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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In re Application of
David M. Goldenberg

Application No. 12537803

Filed: August 7,2009

Attorney Docket No. IMM313US1

:
:
: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 01-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.
12/537,896	08/07/2009	James M. Dorsey	65622-5011-US02	6313

43850 7590 12/10/2009

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
12/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DEC 10 2009

Jeffrey S. Mann
MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

In re Application of:
Dorsey et al.
Serial No.: 12/537,896
Filed: August 7, 2009
Docket: 65622-5011-US02
Title: **FUSED HETEROCYCLES**

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 7 August 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 petition fails to comply with conditions II. 5 above as no Pre-Examination Search Statement appears to have been filed.. 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 Michael P Woodward, Quality Assurance Specialist, at (571) 272-8373.

/MP Woodward/
Michael P Woodward, Quality Assurance Specialist
Technology Center 1600

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BANNER & WITCOFF, LTD.
1100 13TH STREET, N.W.
SUITE 1200
WASHINGTON, DC 20005-4051

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OCT 0 1 2009

OFFICE OF PETITIONS

In re Application of :
Joseph Iannicelli :
Application No. 12/537,907 : DECISION ON PETITION
Filed: August 7, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. 001025.00011 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 7, 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 Joseph Iannicelli 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 1 1 2010

RAY K. SHAHANI, ESQ., ATTORNEY AT LAW
TWIN OAKS OFFICE PLAZA
477 NORTH NINTH AVENUE, SUITE 112
SAN MATEO CA 94402-1858

In re Application of	:	
Glen TONDER et al.	:	DECISION ON PETITION
Application No. 12/537,924	:	TO MAKE SPECIAL UNDER
Filed: August 7, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. PIP-101	:	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 **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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3671 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/537,925	08/07/2009	James M. Dorsey	65622-5011-US01	6368

43850 7590 10/29/2009

MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco, CA 94105

EXAMINER	
ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
10/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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27 October 2009

Jeffrey S. Mann
MORGAN, LEWIS & BOCKIUS LLP (SF)
One Market, Spear Street Tower, Suite 2800
San Francisco CA 94105

OCT 2 9 2009

In re Application of:
Hopkins, et al.
Serial No.: 12/537,925
Filed: August 7, 2009
Docket: 65622-5011-US01
Title: **FUSED HETEROCYCLES**

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 7 August 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 petition fails to comply with conditions II. 5 above as no Pre-Examination Search Statement appears to have been filed.. 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 Michael P Woodward, Quality Assurance Specialist, at (571) 272-8373.

/MP Woodward/
Michael P Woodward, Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/538,034	08/07/2009	Grace XAVIER	10031.006300	6574

74254 7590 02/19/2010

Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164-1330

EXAMINER	
ART UNIT	PAPER NUMBER
1795	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Okamoto & Benedicto LLP
P.O. Box 641330
San Jose CA 95164-1330

FEB 19 2010

In re Application of	:	
Xavier et al.	:	DECISION ON PETITION
Application No. 12/538,034	:	TO MAKE SPECIAL UNDER
Filed: 8/7/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **10031.006300**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 2/8/2010, 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 **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

Commissioner for Patents
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CHALKER FLORES, LLP
2711 LBJ FRWY
SUITE 1036
DALLAS, TX 75234

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Charles R. Roe :
Application No. 12/538,038 : DECISION ON PETITION
Filed: August 7, 2009 : TO MAKE SPECIAL UNDER
Attorney Docket No. BHCS:1077 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 7, 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 Charles R. Roe's drivers' 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 1614 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/538,189	08/10/2009	Conor Robert White	2009_04B	6933

85012 7590 08/28/2009

Daon, Incorporated
Attn: Kevin McDermott
11955 Freedom Drive, Suite 16000
Reston, VA 20190

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
08/28/2009	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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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

AUG 27 2009

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of: WHITE, Conor R. et al.
Serial No.: **12/538,189**
Filed: August 10, 2009
Atty. Docket No.: 2009_04B
Title of Invention: METHODS AND SYSTEMS FOR AUTHENTICATING USERS

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 August 10, 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" issued 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 the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Networking, Multiplexing, Cable and Security

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/538,309	08/10/2009	Adam Wax	1088-004A	7136

27820 7590 03/18/2010

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

EXAMINER	
ART UNIT	PAPER NUMBER
2877	

MAIL DATE	DELIVERY MODE
03/18/2010	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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WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY, NC 27518

In re Application of:
Adam Wax et al.
Serial No.: 12/538,309
Filed: August 10, 2009
For: SYSTEM AND METHOD FOR EDOSCOPIC ANGLE_RESOLVED LOW COHERENCE INTERFEROMETER

DECISION ON PETITION
UNDER 37 C.F.R. § 1.59

This is a response to the petition under 37 CFR 1.59(b), filed January 22, 2010, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that a document entitled "Proposed Research Plan," by Adam Wax, filed October 19, 2009, be expunged from the record. Petitioner states that the information is proprietary material that has not been made public and recognizes applicant's commitment to retain the document for the period of any patent that is issued from the above application. The petition fee set forth in 37 CFR 1.17(g) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. 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 held in abeyance 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, the information will be removed from the official file.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Richard K. Seidel, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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DIW Jan-10

BOYLE FREDRICKSON S.C.
840 NORTH PLANKINTON AVENUE
MILWAUKEE WI 53203

COPY MAILED

JAN 08 2010

In re Application of	:	
Gauthier and Landowski	:	DECISION ACCORDING STATUS
Application Number: 12/538439	:	UNDER 37 CFR 1.47(a)
Filing Date: 08/10/2009	:	
Attorney Docket Number: 158.021	:	
	:	

This is in response to the "PETITION UNDER 37 C.F.R. § 1.183 (AND § 1.47) TO ACCEPT DECLARATION WITH STEVEN S. LANDOWSKI AS AN UNAVAILABLE (NON-SIGNING) INVENTOR," filed on October 26, 2009, which is treated as a petition under 37 CFR 1.47(a).

The petition is **GRANTED**.

Petitioners have shown, via the statement of facts by joint inventor and president of assignee Gauthier Biomedical, Inc., Michael T. Gauthier, that a copy of the application was sent to the non-signing inventor by Mr. Gauthier's Administrative Assistant, Alice M. Brock, at two different addresses, but that the non-signing inventor failed to sign and return the declaration.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the 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.

In accepting the petition, the Office is construing the address of 335 Lake Drive, Random Lake, WI 53075 as the non-signing inventor's last known address.

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 referenced above and listed in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee is $200.00. On October 26, 2009, $130.00 was paid. Accordingly, the balance due will be charged to counsel's deposit account.

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.

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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DIW Jan-10

Steve Landowski
335 Lake Drive
Random Lake WI 53075

COPY MAILED

JAN 07 2010

In re Application of
Gauthier et al.
Application No. 12/538,439
Filed: August 10, 2009
For: MOLDING PROCESS AND PRODUCTS FORMED THEREBY

Dear Mr. Landowski:

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 571/272-3231. 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

BOYLE FREDRICKSON S.C.
840 N. PLANKINTON AV
MILWAUKEE WI 53203

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.
12/538,514	08/10/2009	Sung Jun PARK	0465-2287PUS1	7519

2292 7590 04/28/2010

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
FEILD, LYNN DIANA	

ART UNIT	PAPER NUMBER
2400	

NOTIFICATION DATE	DELIVERY MODE
04/28/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of: PARK, SUNG JUN et al.
Application No. 12538514
Filed: August 10, 2009
For: DATA TRANSMISSION METHOD AND USER EQUIPMENT FOR THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

APR 27 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed March 5, 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
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OPPEDAHL PATENT LAW FIRM LLC
P.O. BOX 5940
DILLON CO 80435-5940

MAILED

JUN 14 2010

OFFICE OF PETITIONS

In re Application of :
Donna HOUGLAND :
Application No. 12/538,574 : DECISION ON PETITION
Filed: August 10, 2009 : TO WITHDRAW
Attorney Docket No. HOUG.P-001DV : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed April 28, 2010.

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 Jessica L. Olson 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.

/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
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.
12/538,638	08/10/2009	Kazuyo Umezawa	SUTOSH.444AUS	7753

7590 06/18/2010

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
06/18/2010	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

Commissioner for Patents
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Alexandria, VA 22313-1450
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FEB 2 3 2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of	:	
Laura NOFZINGER et al.	:	DECISION ON PETITION
Application No. 12/538,673	:	TO MAKE SPECIAL UNDER
Filed: July 07, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 19660-4015	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 22, 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 and 5.

In regard to item 1, petitioner should note that this application has been classified in an area (USPC 166/252.100) that is not one of the eligible US classifications listed in section VI of the notice. Therefore, this application is not eligible for the Pilot Program. The classification limitations are purposefully made to be narrow for the Pilot Program; however, these may be expanded based upon the success of the Pilot Program. Petitioner may file a preliminary amendment that would cause this application to be classified elsewhere. However, while petitioner may suggest a classification (see, e.g., MPEP 708.02(a)(VII)(C)), the application will be assigned to the most appropriate classification based upon current U.S. classification guidelines. Furthermore, a petition for the Pilot Program should not be filed until and unless all of the requirements set forth in the Notice are met; i.e., a petition should not be filed for an application that is currently classified outside the eligible classifications set forth in the Notice.

In regard to item 5, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3676 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/538,673	08/10/2009	SUSAN PETTY	19660-4015	7821

34313 7590 07/09/2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER	
SUCHFIELD, GEORGE A	
ART UNIT	**PAPER NUMBER**
3676	

MAIL DATE	DELIVERY MODE
07/09/2010	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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JUL 0 9 2010

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of	:	
Laura NOFZINGER et al.	:	DECISION ON PETITION
Application No. 12/538,673	:	TO MAKE SPECIAL UNDER
Filed: July 07, 2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. 19660-4015	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed June 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **DENIED**.

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 4.

In regard to item 4, 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 renewed petition lacks such a statement. Petitioner alleges that the claimed invention directed to the discovery or development of a renewable energy resource. It is noted that oil or gas derived from fossil fuels is considered a non-renewable energy source, and systems/methods for testing a subterranean formation of an oil well is not a green technology either because it does not result in the discovery or development of a *renewable* energy source (for example, wind, tidal or solar energy). It is not clear how testing a subterranean formation of an oil well is a more efficient use and conservation of an energy resource, or to reduce greenhouse gas emissions when it is well known that uses of oil or gas result in greenhouse gas emissions. Getting oil out of the ground is one of the conventional energy production processes, not an alternative energy production process. Therefore, it is not agreed that the application on its face meets the materiality standard.

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 3676 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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ARRIS Group c/o Stoel Rives, LLP
201 S. Main St., Ste 1100
Salt Lake City, UT 84111

MAILED

JUL 02 2010

OFFICE OF PETITIONS

In re Application of
James A.Billmaier, et. al.
Application No. 12/538,703
Filed: August 10, 2009
Attorney Docket No. 19002-CON2

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed May 12, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because Kory D. Christensen and the attorneys/agents associated with Customer No. 85673 have not provided a correspondence address for the intervening assignee[1] or first named signing inventor. Therefore, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, 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).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

[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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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Stolz et al.	:	TO WITHDRAW
Application No. 12/538,749	:	FROM RECORD
Filed: August 10, 2009	:	
Attorney Docket No. 4179.05US02	:	

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 24, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number however the request does not designate a Customer Number to be withdrawn by. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There are no outstanding Office actions that require a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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SQUIRE, SANDERS & DEMPSEY L.L.P.
1 MARITIME PLAZA, SUITE 300
SAN FRANCISCO, CA 94111

MAILED

MAY 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Melanie Louise Sonter	:	DECISION ON PETITION
Application No. 12/538,753	:	TO WITHDRAW
Filed: August 10, 2009	:	FROM RECORD
Attorney Docket: 104303.00003	:	

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 18, 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 does not indicates that a proper power of attorney was filed in this patent application. Squire, Sanders & Dempsey L.L.P has only been designated as the correspondence address of record since the declaration submitted August 10, 2009, was not signed. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12538922	Confirmation Number	8287	Filing Date	2009-08-11
Attorney Docket Number (optional)	IMM194US5	Art Unit	1614	Examiner	To be assigned
First Named Inventor	Serengulam V. Govindan				
Title of Invention	Camptothecin-Binding Moiety Conjugates				

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
David	M.	Goldenberg	

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 A. Nakashima/	Date (YYYY-MM-DD)	2009-10-13
Name	Richard A. Nakashima	Registration Number	42023

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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In re Application of
Serengulam V. Govindan

Application No. 12538922

Filed: August 11,2009

Attorney Docket No. IMM194US4

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 13-OCT-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.
12/538,964	08/11/2009	Karl J. Haltiner JR.	DE258-68876/DP-318294	8364

22851 7590 02/12/2010

DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
5725 DELPHI DRIVE
PO BOX 5052
TROY, MI 48007

EXAMINER	
MOHADDES, LADAN	

ART UNIT	PAPER NUMBER
1795	

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.

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DELPHI TECHNOLOGIES, INC
LEGAL STAFF - M/C 483-400-402
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TROY MI 48007

FEB 12 2010

In re Application of	:	
Haltiner et al.	:	DECISION ON PETITION
Application No. 12/538,964	:	TO MAKE SPECIAL UNDER
Filed: 8/11/2009	:	THE GREEN TECHNOLOGY
Attorney Docket No. **DE258-68876/DP-318294**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 1/27/2010, 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 1795 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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October 19, 2009 CST

In re application of	:	DECISION ON REQUEST TO
Hiroyuki Hirata et al	:	PARTICIPATE IN PATENT
Serial No. 12/539,026	:	PROSECUTION HIGHWAY
Filed: August 11, 2009	:	PROGRAM AND
For: AUSTENITIC STAINLESS STEEL	:	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 11, 2009.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition fail because:

(3) All of the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s).

Claims 1, 2 and 3 of the JPO application all include the limitation "$0.2 \leq P2 \leq 1.7 - 10$ **X** P1", however claims 1, 2 and 3 of the present application fail to include "**X**" in this limitation.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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CST

November 24, 2009

In re application of	:	DECISION ON REQUEST TO
Hiroyuki Hirata et al	:	PARTICIPATE IN PATENT
Serial No. 12/539,026	:	PROSECUTION HIGHWAY
Filed: August 11, 2009	:	PROGRAM AND
For: AUSTENITIC STAINLESS STEEL	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed November 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 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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October 19, 2009

In re application of	:	DECISION ON REQUEST TO
Yoshitaka Nishiyama et al	:	PARTICIPATE IN PATENT
Serial No. 12/539,065	:	PROSECUTION HIGHWAY
Filed: August 11, 2009	:	PROGRAM AND
For: CARBURIZATION RESISTANT	:	PETITION TO MAKE SPECIAL
METAL MATERIAL	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 11, 2009.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

(6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FutureWei Technologies, Inc.
1700 Alma Drive, Suite 500
Plano TX 75075

In re Application of:
ZHAN, WUZHOU et al.
Serial No.: 12/539,158
Filed: August 11, 2009

Title: **SIGNAL PROCESSING METHOD, PROCESSING APPARTUS AND VOICE DECODER**

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 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 **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 Items 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 6.2 above, the Accelerated Examination Support Document is deficient because section titled "Identification of Claimed Elements Disclosed by the Cited References" provides only a broad general description of each reference cited. However, the petition fails to identify all of the limitations in the claims of the application that are disclosed by each reference cited and specifying where each limitation is disclosed by each cited reference as required by item 6.2. Clarification is required

Regarding the requirements of item 6.3, above, the Accelerated Examination Support Document is deficient because the section titled "Detailed Explanation of Patentability" 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). Applicant provided only broad discussion of the patentability of the claims and failed to provide the detailed explanation of how each claim was patentable over the references cited.

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of each of the claims ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified some claim limitations and also argued the patentability of some of the claims in regard to three of the eight cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of all claimed limitations and/or a detailed explanation of patentability of all of the claims with respect to the other five cited references. *Therefore, any request for reconsideration must provide a detailed explanation in regard to the claims with respect to the other five cited references as set forth in items 6.2 and 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 ***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 that the instant application claims benefit to parent applications 12/264,557 as well as foreign priority to CN200710169616.1. Petitioner has not provided a showing of support for any 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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FutureWei Technologies, Inc.
1700 Alma Drive, Suite 500
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In re Application of:
ZHAN, WUZHOU et al
Serial No.: 12/539,158
Filed: August 11, 2009
Attorney Docket No: 0989199US
Title: **SIGNAL PROCESSING METHOD, PROCESSING APPARTUS AND VOICE DECODER**

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.

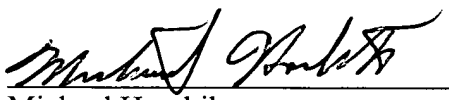
   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

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
Communications