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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/182,749	05/30/2003	Anthony J. DeCarlo	IDSTP0103US	9062

7590 04/08/2005

TODD R. TUCKER
Renner, Otto, Boisselle & Sklar, LLP
NIneteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115

EXAMINER	
HYDER, PHILIP S	

ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 04/08/2005

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

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4/7/05

In re Application of	:	
Anthony J. DeCarlo	:	NOTICE OF WITHDRAWAL
Serial No. 29/182,749	:	FROM ISSUE
Filed: May 30, 2003	:	UNDER 37 CFR 1.313(b)
For: COLLAPSIBLE STORAGE CONTAINTER	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to reopening of prosecution. See 37 CFR 1.313 (b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Stella Reid at (571) 272-2656.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Todd R. Tucker
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115

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ALAN D KAMRATH, ESQ.
NIKOLAI & MERSEREAU, P.A.
SUITE 820 INTERNATIONAL CENTRE
900 SECOND AVE SOUTH
MINNEAPOLIS, MN 55402

In re Application of	:
Brad Westbrook	:
Serial No.: 29/182,761	: PETITION DECISION
Filed: May 30, 2003	:
Attorney Docket No.: 16815-102	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received October 12, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 25, 2004, which set a three-month statutory period to pay the Issue fee. As no response had been received by June 25, 2004, a Notice of Abandonment was mailed August 4, 2004; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within three months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 08-1265, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

MAR 29 2005

In re Application of
Douglas Lee DeBerti :
Serial No.: 29/182,809 :
Filed: May 30, 2003 : PETITION DECISION
Attorney Docket No.: 30445-7 :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on December 28, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 23, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by April 23, 2004, a Notice of Abandonment was mailed to applicant June 24, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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OFFICE OF PETITIONS

PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

In re Application of
Yael Tobati
Application No. 29/182,927
Filed: June 3, 2003
Attorney Docket No. 53954-00004

ON PETITION

This is a decision on the petition, filed April 23, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed August 25, 2006. A Notice of Abandonment was mailed on March 9, 2007. In response, on April 23, 2007, the present petition was filed.

The petition is found to comply with the requirements of 37 CFR 1.137(b).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The terminal disclaimer filed April 23, 2007 has been entered and made of record.

The application is being referred to the Office of Publications to oversee the review of the drawing filed April 23, 2007.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Status inquires related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GARY B. SOLOMON
PATTON BOGGS LLP
2001 ROSS AVE., SUITE 3000
DALLAS, TX 75201

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JUL 09 2004

JORDAN M MESCHKOW
SUITE 409
5727 NORTH 7TH STREET
PHOENIX, AZ 85014

In re Application of	:
Sylvester A Pitzen	:
Serial No.: 29/182,984	: PETITION DECISION
Filed: June 4, 2003	:
Attorney Docket No.: 7071-A-1DIV	:

This is in response to applicant's Petition under 37 CFR 1.181, filed February 20, 2004, based on not having responded to the Office action.

This application was held abandoned based on applicant's failure to timely respond to the Notice of Allowance mailed July 29, 2003, which set a three month statutory period of time to respond. As no response was received by October 29, 2003, a Notice of Abandonment was mailed February 9, 2004. This petition followed.

Applicant has stated that the Issue fee was timely submitted on August 12, 2003, as evidenced by the Certificate of Mailing and the Post Card Receipt. Applicant is advised that the Issue Fee Transmittal was eventually matched with the application, and the Notice of Abandonment was withdrawn, as it was issued in error. As the application has proceeded to issue into a patent, this petition is **DISSMISSED** as **moot**.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Paper No. None

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

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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Hiroshi Yamane et al. :
Application No. 29/183,060 : DECISION ON PETITION
Filed: June 6, 2003 :
Attorney Docket No.: :
SHO-0011 :
Title: CONNECTOR :

This is a decision on the petition filed August 10, 2004, requesting that the above-identified application, including pages 1 and 2 of the specification, be accorded a filing date of June 6, 2003 as part of the original disclosure.

The application was deposited on June 6, 2003. However, on July 16, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had NOT been accorded a filing date, and that a filing date would be accorded upon the submission of a specification and at least one claim. The notice set a two-month period of reply.

In response, on August 21, 2003[1], applicants filed the present petition. A supplement to this petition was submitted on August 10, 2004. The petitions are further accompanied by a copy of pages 1 and 2 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification (2 pages)" in the United States Patent and Trademark Office (Office) on June 6, 2003. Applicants request

1 Since the notice was mailed June 6, 2003, a one-month extension of time has been charged to Petitioner's Deposit Account, as authorized in the petition.

that pages 1 and 2 of the specification be accorded a filing date of June 6, 2003.

Upon review of the record, the above-mentioned pages have not been located in the electronic file. However, the evidence is convincing that the application papers deposited on June 6, 2003 included pages 1 and 2 of the specification, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including pages 1 and 2 of the specification, was complete on filing and entitled to a filing date of June 6, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 16, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 has been refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of June 6, 2003, using the original application papers filed on that date, as well as pages 1 and 2 of the specification submitted on August 21, 2003, and for noting in Office records that these 2 sheets were present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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Paper No. None

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

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OFFICE OF PETITIONS

In re Application of :
Hiroshi Yamane et al. :
Application No. 29/183,060 : DECISION ON PETITION
Filed: June 6, 2003 :
Attorney Docket No.: :
SHO-0011 :
Title: CONNECTOR :

This is a decision on the petition filed August 10, 2004, requesting that the above-identified application, including pages 1 and 2 of the specification, be accorded a filing date of June 6, 2003 as part of the original disclosure.

The application was deposited on June 6, 2003. However, on July 16, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had NOT been accorded a filing date, and that a filing date would be accorded upon the submission of a specification and at least one claim. The notice set a two-month period of reply.

In response, on August 21, 2003[1], applicants filed the present petition. A supplement to this petition was submitted on August 10, 2004. The petitions are further accompanied by a copy of pages 1 and 2 of the specification, along with a copy of applicants' postcard receipt acknowledging receipt of "Specification (2 pages)" in the United States Patent and Trademark Office (Office) on June 6, 2003. Applicants request

1 Since the notice was mailed June 6, 2003, a one-month extension of time has been charged to Petitioner's Deposit Account, as authorized in the petition.

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that pages 1 and 2 of the specification be accorded a filing date of June 6, 2003.

Upon review of the record, the above-mentioned pages have not been located in the electronic file. However, the evidence is convincing that the application papers deposited on June 6, 2003 included pages 1 and 2 of the specification, and these sheets were subsequently misplaced in the Office.

Therefore, the application, including pages 1 and 2 of the specification, was complete on filing and entitled to a filing date of June 6, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed July 16, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 has been refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being returned to OIPE for further processing with a filing date of June 6, 2003, using the original application papers filed on that date, as well as pages 1 and 2 of the specification submitted on August 21, 2003, and for noting in Office records that these 2 sheets were present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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10653 SOUTH RIVER FRONT PARKWAY
SUITE 150
SOUTH JORDAN, UT 84095

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OFFICE OF PETITIONS

In re Application of :
Mark L. Layton :
Application No. 29/183,094 : ON PETITION
Filed: June 3, 2003 :
Attorney Docket No. LAYTON-2 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed August 19, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 21, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Formal Drawings; (2) the petition fee of $750; (3) the required statement of unintentional delay have been received; and (4) a terminal disclaimer and disclaimer fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being referred to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-18-05

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: A503431

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Check Drawings

Thank You For Your Assistance

Ennis Young
Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments:

Caron D. Vegna — SPE

2913 — Art Unit

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RUBINSTEIN LAW GROUP, PROFESSIONAL CORP
DAVID B. DORT
116 NEW MONTGOMERY STREET
SUITE 742
SAN FRANCISCO, CA 94105

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of :
Scott T. Kamnski :
Application No. 29/183,230 : ON PETITION
Filed: June 10, 2003 :
Attorney Docket No. STOR.P003.D :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 24, 2006.

The application became abandoned for failure to pay the issue fee on or before June 30, 2006. This decision precedes the mailing of a Notice of Abandonment. On August 24, 2006, the requisite issue fee, a terminal disclaimer and the present petition were filed.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is GRANTED.

The terminal disclaimer filed August 24, 2006 has been entered and made of record.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being referred to Publishing Division.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DAVID BOGART DORT
RUBINSTEIN LAW GROUP, PC
100 PINE STREET, 20TH FLR.
SAN FRANCISCO, CA 94111

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NOV 18 2004

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WILLIAM B. PATTERSON
MOSER, PATTERSON & SHERIDAN LLP
SUITE 1500
3040 POST OAK BLVD.
HOUSTON, TX 77065-6582

In re Application of	:
Thomas J. Wheeler	:
Serial No.: 29/183,299	: PETITION DECISION
Filed: June 10, 2003	:
Attorney Docket No.: OLYM/0082	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted May 27, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed December 31, 2003, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The issue fee was paid March 31, 2004; however, as no formal drawings were submitted, a Notice of Abandonment was mailed May 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 terminal disclaimer fee will be credited to applicant's Deposit Account 20-0782/OLYM/0082/WAT, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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#5

PRICE HENEVELD COOPER DEWITT &
LITTON, LLP
695 KENMOOR S.E.
P.O. BOX 2567
GRAND RAPIDS, MI 49501

In re Application of	:
David Ryan	:
Serial No.: 29/183,464	: PETITION DECISION
Filed: June 12, 2003	:
Attorney Docket No.: STE01 P-1154	:

This is a decision on applicants Petition for Withdrawal of Notice of Abandonment under 37 CFR 1.181 submitted June 7, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to respond to the Office action mailed November 20, 2003, which set a one-month shortened statutory period to respond. As no response was received by December 22, 2003, a Notice of Abandonment was mailed June 2, 2004. Applicant then filed this petition.

Applicant has submitted that the response was timely filed, and has submitted copies of the response with a Certificate of Mailing date of December 18, 2003 and Post Card receipt that show that the response was timely filed. While this response was never associated with the application, it is clear that applicant timely responded to the Office action, and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Paper No.

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10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA, MD 20817

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OFFICE OF PETITIONS

In re Application of :
Shigeru Goto :
Application No. 29/183,484 :
Filed: June 13, 2003 : ON PETITION
Attorney Docket Number: :
42-1001 :

This is in response to correspondence entitled Petition to Restore June 13, 2003 Filing Date, filed, filed July 20, 2004. The petition is properly treated under 37 CFR 1.53(e).

The present design application was deposited on June 13, 2003. However, on July 7, 2003, the Office mailed a Notice of Incomplete Nonprovisional Application ("Notice"), informing Applicant, *inter alia*, that a filing date had not been accorded because the specification as filed did not include at least one claim as required by 35 U.S.C. § 112.

In response, petitioner filed an Amendment on July 29, 2003, adding the claim language to the specification.

In response to the Amendment, the Office changed the filing date to July 29, 2003.

Applicant files the instant petition requesting that the application be awarded as a filing date, June 13, 2003. Applicant alleges that the application as filed on June 13, 2003 included at least one claim. Application alleges that the formal claim language in a design application is *pro forma* boilerplate, and its absence is a matter of form. For support of this assertion, Applicant cites to "A Guide to Filing a Design Application" found on this Office's website, and to Appendix A, page 8, and Appendix B, page 1, and concludes that "In a design patent application, the claim is not written in words, rather, the claim is described in the drawings." *Petition* at p.2.

The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims particularly pointing out and *distinctly claiming* the subject matter which the applicant regards as his invention." (Emphasis supplied). Thus, the requirement for a claim in a design application is not *pro forma*, but is a necessary part of a complete design application.

However, the *form* of a claim in a design application is fixed by rule, and in that way, is different from the claims of other applications. (Emphasis supplied). 37 CFR §1.153 specifically provides that:

> The title of the design must designate the particular article. No description, other than a reference to the drawing, is ordinarily required. The claim shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. More than one claim is neither required nor permitted.

A review of the record reveals that an introductory phrase such as 'I claim' or 'It is claimed', was not included in the application as filed. The application (specification, claims and drawings) as filed thus did not distinctly claim the subject matter which the applicant regards as his invention.

However, the application papers deposited June 13, 2003, included a declaration stating that the inventor believes himself to be

> the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "Razorblade Holder" the specification of which was filed June 13, 2003....

Since this is a design application, this language in the declaration can be construed as the claim required by 35 U.S.C. 112, second paragraph, insofar as this design application is concerned. Accordingly, since this is a design application and since the claim language quoted above does appear among the application papers as filed, there is no statutory prohibition

against construing this language as the claim required by statute. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language from the declaration be construed as the claim for filing date purposes and applicant be allowed to amend the application under §1.182.

Accordingly, the petition is **DISMISSED** to the extent that the Notice was not mailed in error and will not be withdrawn. The petition fee will not be refunded as its mailing was due to an error on the part of the Applicant. Moreover, consideration of the preliminary amendment, filed July 29, 2003, is required to correct the error. The application is entitled to a filing date of June 13, 2003, and consideration of the preliminary amendment.

The application is being returned to the Office of Initial Patent Examination for further processing as a design application with a filing date of June 13, 2003, using the application papers filed on June 13, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

29/183,499

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : NOV 10 2004

TO SPE OF : ART UNIT 2913-HOLT56

SUBJECT : Request for Certificate of Correction on Patent No.: D491817

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Should the drawings be replaced as requested?

RoChaun Johnson
308-6803

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Please replace drawings

JOEL A. SINCAVAGE
SUPERVISORY DESIGN EXAMINER

SPE **Art Unit**

29/183,500

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-10-04

TO SPE OF : ART UNIT 2900 - HOLTJS

SUBJECT : Request for Certificate of Correction on Patent No.: D491827

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Should the Drawings be Replace as Requested?

RoChaun Johnson
308-6803

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

_____

_____

_____

_____

_____

_____ 2/13
SPE **Art Unit**

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 5

LOCKE LIDDELL & SAPP LLP
600 TRAVIS
3400 CHASE TOWER
HOUSTON, TX 77002-3095

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SEP 30 2003

OFFICE OF PETITIONS

In re Application of :
Mitchell Dziekonski : DECISION ON PETITION
Application No. 29/183,593 :
Filed: June 13, 2003 :
Attorney Docket No. 019384/01100 :

This is a decision on the "PETITION TO ACCEPT ISSUED FILING DATE UNDER 37 C.F.R. § 1.53(B) AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION," filed August 27, 2003, requesting that the above-identified application be accorded a filing date of June 13, 2003, with Figure 1 considered part of the original application disclosure.

Application papers in the above-identified application were deposited on June 13, 2003. However, on July 1, 2003, the Office mailed a NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION, notifying applicant that the application papers had been accorded a filing date; however, Figure 1 described in the specification appeared to have been omitted from the application.

Petitioner timely responded with the instant petition (and petition fee). Petitioner contends that Figure 1 was timely submitted with the filing of the referenced application. In support thereof, petitioner includes a copy of a return receipt postcard stamped by OIPE on June 13, 2003, which petitioner maintains indicates that 4 sheets of drawings (Figures 1-7) were being filed and a copy of their Official filing receipt showing that the Office considered 4 sheets of drawings present in the application on filing. On petition, petitioner supplied a replacement copy of the drawing sheet containing figure 1.

Although petitioner's postcard is *prima facie* evidence of the timely filing of the 4 sheets of drawings, consideration of this evidence is unnecessary[1]. All figures, including figure 1, are present in the application as filed on June 13, 2003. All

[1] A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of the postcard receipt confirms that: 1) it was date stamped as received in the USPTO on June 13, 2003, and shows assignment of application No. 29/183,593 to the papers submitted therewith 2) it specifically identifies the items being filed, including "Formal Drawings - 4 pgs.," and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard.

figures are considered a part of the original application disclosure. The Official filing receipt reflects the application as filed, with 4 sheets of drawings containing figures 1-7. The Notice of Omitted Items mailed July 1, 2003 was mailed in error.

The Notice of Omitted Items mailed July 1, 2003 is hereby **vacated**.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is being refunded to Deposit Account No. 12-1322, as authorized.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of June 13, 2003, using the application papers received in the Office and presently accorded that date, including figures 1-7;
- confirmation that Office records indicate that the application contains four (4) sheets of drawings, which were present in the application on filing; and
- action on the scanned version of the application as shown in PACRview (if appropriate) to confirm that figure 1 is properly entered (the current image in PACRview of figure 1 is of a reduced size).

Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Michael L. Hughes
17076-4 Boca Club Boulevard
Boca Raton, FL 33487

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SEP 28 2005

OFFICE OF PETITIONS

In re Application of :
Michael L. Hughes :
Application No. 29/183,782 : ON PETITION
Filed: June 18, 2003 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed September 6, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply to a final Office action.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of drawings and terminal disclaimer; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being forwarded to Technology Center 2900.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Patent Administrator
Katten Muchin Zavis Rosenman
525 West Monroe Street
Suite 1600
Chicago, IL 60661-3693

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DEC 2 9 2004

OFFICE OF PETITIONS

In re Application of: Christopher Wai-Ming Choi :
Application No. 29/183,787 : NOTICE
Filed: June 18, 2003 :
Attorney Docket No. 213201.00182 :

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**.

The Office acknowledges receipt of $490 for payment of the issue fee, $9 for three (3) advance soft copies and one (1) sheet of substitute Formal drawing.

This file is being referred to the Office of Publications for review of the substitute Formal drawing filed December 3, 2004.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Shlesinger, Fitzsimmons & Shlesinger
Alliance Building, Suite 1323
183 East Main Street
Rochester NY 14604

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JUN 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Fabio Paolo Marchesi :
Application No. 29/183,814 : DECISION GRANTING
Filed: June 16, 2003 : PETITION
Title of Invention: APPARATUS FOR FITNESS TREATMENTS OF HUMAN BODY :

This is a decision on the petition filed April 5, 2004, which is treated under 37 CFR 1.182, to accord the above identified application a filing date of June 17, 2003 rather than the presently accorded filing date of July 18, 2003.

This application is faced with two separate filing date issues. The first centers around whether the application was deposited June 16, 2003 or June 17, 2003. Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on June 16, 2003, pursuant to the requirements of 37 CFR 1.10. Petitioner submitted, *inter alia*, an express mail certificate of mail which bears "Express Mail" tracking number EU704292351US but petitioner has not submitted a copy of the Express Mail mailing label as required for a petition under 37 CFR 1.10(d).

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date.[1] (emphasis added)

Paragraph (d) of 37 CFR 1.10 states that:

[1] See 37 CFR 1.6(a).

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS."

Petitioners have not provided a true copy of the "Express Mail" customer label nor explained why a copy of the Express Mail customer label showing the "date in" has not been provided. Any renewed petition must be accompanied by a copy of the Express Mail label showing the "date in" as completed the USPS.

The petition filed on April 5, 2004, is not accompanied by the corroborating evidence required by the rule and thus must be **DISMISSED in part** as it relates to the date of deposit. June 16, 2003 will be the date of deposit unless corroborating evidence is submitted.

On the date of deposit, the filing included, inter alia, a transmittal letter, a specification,

twenty-three (23) sheets of drawings containing Figures 1 through 23 and a declaration.

On July 8, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application "Notice" stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response to the "Notice", on July 18, 2003, petitioner filed a specification with one claim and an executed oath or declaration.

A review of the record reveals the application papers deposited June 16, 2003 included a transmittal letter referring to the application by title and stating that the application contains a specification without a formal claim, declaration and power of attorney and twenty-three sheets of drawings.

The specification identifies the inventor and indicates that the inventor has

> "Invented a new, original and ornamental design for a Apparatus For Fitness Treatments of Human Body, of which the following is a specification, reference being had to the accompanying drawings forming a part thereof."

The declaration and power of attorney states that the inventor is

> "the original, first, and sole inventor . . . of the design entitled Apparatus For Fitness Treatments of Human Body which is described and claimed in the attached specification..... ."

A formal claim may not have been included with the application but since this a design application, the above-quoted language in the declaration and power of attorney can be construed as the claim, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the language quoted above from the declaration and power of attorney be construed as the claim, for purposes of according this application a filing date of June 16, 2003.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

In view of the above, the petition under 37 CFR 1.182 is **GRANTED**.

The communication filed July 18, 2003, including a formal specification and claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The application is being returned to the Office of Initial Patent Examination to correct the filing date to June 16, 2003, the date of deposit, using the application papers filed June 16, 2003 and then the application is to be forwarded to Technology Center 2914 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JUL 29 2003

GALGANO & BURKE
SUITE 135
300 RABRO DRIVE
HAUPPAUGE, NY 11788

In re Application of :
Joy Mangano :
Serial No.: 29/183,840 : **REQUEST FOR EXPEDITED**
Filed: June 18, 2003 : **EXAMINATION**
For: Portable Mirror :

This is in response to the Request for expedited examination applicant filed July 22, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Paper No. 4

MCHALE & SLAVIN PA
4440 PGA BOULEVARD
SUITE 402
PALM BEACH GARDENS FL 33410

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OCT 17 2003

OFFICE OF PETITIONS

In re Application of
Moon, et al.
Application No. 29/183,849
Filed: September 22, 2003
Attorney Docket No. 1251.163

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 22, 2003 (Certificate of Mailing dated September 8, 2003), requesting, in effect, that the above-identified application be accorded a filing date of September 22, 2003, the submission date of the omitted Figures 5 and 6 of the drawings.

Application papers in the above-identified application were filed on June 16, 2003. However, on July 8, 2003, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Items in a Nonprovisional Application." Applicant was notified that the application papers had been accorded a filing date; however, figures 5 and 6 of the drawings appeared to have been omitted.

On petition, applicant acknowledged that figures 5 and 6 of the drawings were omitted from the originally submitted application. A replacement figure 5 and 6 accompanied the petition, together with a supplemental oath or declaration.

Accordingly, the petition is **GRANTED**.

The petition fee of $130 has been charged to Deposit Account 13-0439.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a new filing date of September 22, 2003, using the application papers received in the Office on June 16, 2003, and the missing figures of the drawings, figures 5 and 6, submitted on petition filed September 22, 2003. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

cc: McHale & Slavin
2855 PGA Blvd.
Palm Beach Gardens, Florida 33410

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DANIEL V. THOMPSON
9330 LBJ FWY.
SUITE 1185
DALLAS TX 75243

2/11/05

In re Application of
Ellis N. Shamoon
Serial No.: 29/183,909
Filed: June 19, 2003
Attorney Docket No.: D-319

: PETITION DECISION

This is a decision on the Petition under 37 CFR 1.137(a), received November 26, 2004, to revive the above identified abandoned application based on unavoidable circumstances.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due to applicant June 17, 2004, setting a three-month shortened statutory period for payment of the Issue Fee. Upon failure to respond by September 17, 2004, the application was abandoned. This petition followed.

A petition under 37 CFR 1.137(a), as revised December 1, 1997, requires (1) a petition and petition fee of, (2) the proposed response or Issue Fee, (3) a terminal disclaimer and disclaimer fee of $55.00 in any design application, and (4) an adequate showing of the cause of unavoidable delay.

As this Petition was filed before the mailing of the Notice of Abandonment, the requirement for a Terminal Disclaimer has been waived. Applicant has documented that the Issue Fee was not paid timely, as there is no record of the Notice of Allowance ever being received. The issuance of the application was only found after checking the status of the application with the PAIR system. As applicant has not provided docket records, showing proof of non-receipt, a Petition under 37 CFR 1.181 cannot be granted. However, if applicant has records which can show this, he may wish to submit a petition under 37 CFR 1.181 instead.

Applicant's petition under 37 CFR 1.137(a) is **GRANTED**.

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 50-1246, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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DANIEL V. THOMPSON
9330 LBJ FWY.
SUITE 1185
DALLAS TX 75243

FEB 12 2005

In re Application of
Ellis N. Shamoon :
Serial No.: 29/183,909 :
Filed: June 19, 2003 : PETITION DECISION
Attorney Docket No.: D-319 :

This is a decision on the Petition under 37 CFR 1.137(a), received November 26, 2004, to revive the above identified abandoned application based on unavoidable circumstances.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due to applicant June 17, 2004, setting a three-month shortened statutory period for payment of the Issue Fee. Upon failure to respond by September 17, 2004, the application was abandoned. This petition followed.

A petition under 37 CFR 1.137(a), as revised December 1, 1997, requires (1) a petition and petition fee of, (2) the proposed response or Issue Fee, (3) a terminal disclaimer and disclaimer fee of $55.00 in any design application, and (4) an adequate showing of the cause of unavoidable delay.

As this Petition was filed before the mailing of the Notice of Abandonment, the requirement for a Terminal Disclaimer has been waived. Applicant has documented that the Issue Fee was not paid timely, as there is no record of the Notice of Allowance ever being received. The issuance of the application was only found after checking the status of the application with the PAIR system. As applicant has not provided docket records, showing proof of non-receipt, a Petition under 37 CFR 1.181 cannot be granted. However, if applicant has records which can show this, he may wish to submit a petition under 37 CFR 1.181 instead.

Applicant's petition under 37 CFR 1.137(a) is **GRANTED**.

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 50-1246, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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DANIEL V. THOMPSON
9330 LBJ FWY.
SUITE 1185
DALLAS, TX 75243

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JUL 29 2005

OFFICE OF PETITIONS

In re Application of
Shamoon
Application No. 29/183,909
Filed: June 19, 2003
Attorney Docket No. D-319

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(a), filed May 2, 2005, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted.**

The petition under 37 CFR 1.137(a) is **dismissed as moot.**

Facts:

A Notice of Allowance and Notice of Allowability were mailed June 17, 2004.

On November 20, 2004, petitioner checked the application on PAIR and discovered that a Notice of Allowance had been mailed.

On November 26, 2004, petitioner filed a petition under 37 CFR 1.137(a) based on a failure to receive the Notice of Allowance. Since the application is a design application, the petition was accompanied by a terminal disclaimer. The petition was also accompanied by payment of the issue fee.

In a decision mailed February 11, 2005, the Office determined the showing was insufficient to justify withdrawal of the holding of abandonment under 37 CFR 1.181. However, the Office determined the showing was sufficient under 37 CFR 1.137(a) and granted the petition to revive based on unavoidable delay.

The decision stated the application would be forwarded to the Office of Publications for issuance as a patent in due course.

On March 30, 2005, the Office of Publications mailed a Notice of Abandonment stating that the issue fee paid on November 26, 2004, was late and the application was abandoned.

On May 2, 2005, petitioner filed the instant petition, a terminal disclaimer, a petition fee of $250, and a terminal disclaimer fee of $65.

Analysis:

A review of the record indicates the application is not abandoned since the application was revived on February 11, 2005. Therefore, the holding of abandonment is withdrawn.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the petition fee will be credited to petitioner's credit card. The terminal disclaimer will not be entered and the terminal disclaimer fee will be credited to petitioner's credit card.

The record fails to indicate petitioner ever obtained a copy of the papers mailed June 17, 2004. As a courtesy, a copy of the papers is attached.

The Office of Publications will be informed the holding of abandonment has been withdrawn so that steps can be taken to issue the application as a patent.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

Attached: Notice of Allowance
Notice of Allowability
Notice of References Cited (PTO-882)
Information Disclosure Statement (PTO-1449)

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OFFICE OF PETITIONS

WOLFF & SAMSON, PC
ONE BOLAND DRIVE
WEST ORANGE, NJ 07052

In re Application of
Ian C. White
Application No. 29/183,924
Filed: June 19, 2003
Attorney Docket No. 9906/1/2

ON PETITION

This is a decision in response to the petition, filed October 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed June 28, 2005. A Notice of Abandonment was mailed on February 14, 2006. On October 9, 2007, the present petition was filed.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the 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 37 CFR 1.137(b) was unintentional." *See* Changes to Patent Practice and Procedure, 62 Fed. Reg., at 53160 and 53178; 1203 Off. Gaz. Pat. Office, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Technology Center AU 2912 for consideration of the amendment filed October 9, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 08 2004

DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-5257

#16

In re Application of	:
Stephen M. Gatchell	:
Serial No.: 29/183,990	: PETITION DECISION
Filed: June 18, 2003	:
Attorney Docket No.: 0467/0M787	:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(a), which is being treated as a Petition under 37 CFR 1.181 submitted August 6, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application mailed July 8, 2003, which set a two-month period to respond. As no response was received by September 8, 2004, a Notice of Abandonment was mailed July 8, 2004. Applicant then filed this petition.

Applicant has submitted that the abandonment of the application was unavoidable, as applicant did respond to the Notice by mailing the response along with an extension of time on February 9, 2004. Copies of the response, with a Certificate of Mailing date of February 9, 2004 were submitted, showing that applicant did timely respond, and the application was abandoned in error.

As there are no fees associated with Petitions granted under 37 CFR 1.181, the Petition fee of $110 will refunded to Applicant's Deposit Account 04-0100, as directed.

Applicants petition is GRANTED.

The application will be promptly forwarded to be processed as an application before being forwarded to an Examiner for initial examination.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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AUG 19 2003

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

MICHAEL A. CATANIA
2285 RUTHERFORD ROAD
CARLSBAD, CA 92008-8815

In re Application of	:	
Larry G. Tang et al	:	
Serial No.: 29/184,012	:	**REQUEST FOR EXPEDITED**
Filed: July 1, 2003	:	**EXAMINATION**
For: Putter Head	:	

This is in response to the Request for expedited examination applicant filed July 1, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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AUG 19 2003

MICHAEL A. CATANIA
2285 RUTHERFORD ROAD
CARLSBAD, CA 92008-8815

In re Application of	:	
Larry G. Tang	:	
Serial No.: 29/184,013	:	**REQUEST FOR EXPEDITED**
Filed: August 4, 2003	:	**EXAMINATION**
For: Putter Head	:	

This is in response to the Request for expedited examination applicant filed August 4, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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www.uspto.gov

AUG 19 2003

KNOBBE, MARTENS, OLSON & BEAR, LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660

In re Application of	:	
Brian A. Horowitz	:	
Serial No.: 29/184,014	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: August 5, 2003	:	
For: Taillight Assembly	:	

This is in response to the Request for expedited examination applicant filed August 5, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
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OCT 9 2003

#5

MARSHALL A. LERNER, ESQ.
KLEINBERG & LERNER, LLP
SUITE 1080
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

In re Application of :
Oivind Resch et al :
Serial No.: 29/184,019 : **REQUEST FOR EXPEDITED**
Filed: August 27, 2003 : **EXAMINATION**
For: Battery :

This is in response to the Request for expedited examination applicant filed August 27, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

SEP 23 2003

#3

CHARLES H. THOMAS
CISLO & THOMAS LLP
SUITE 405
4201 LONG BEACH BLVD.
LONG BEACH, CA 90807-2022

In re Application of	:	
Jack Schmitt	:	DECISION ON REQUEST
Serial No.: 29/184,030	:	FOR EXPEDITED EXAMINATION
Filed: September 8, 2003	:	
For: Chair with arms	:	

This is in response to the Request for expedited examination applicant filed on September 8, 2003 to expedite the above-identified application under the provisions of 37 CFR 1.155 .

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

SEP 23 2003

#3

CHARLES H. THOMAS
CISLO & THOMAS LLP
SUITE 405
4201 LONG BEACH BLVD.
LONG BEACH, CA 90807-2022

In re Application of
Jack Schmitt
Serial No.: 29/184,031
Filed: September 8, 2003
For: Chair with arms and full back

DECISION ON REQUEST
FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed on September 8, 2003 to expedite the above-identified application under the provisions of 37 CFR 1.155 .

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Box Expedited Design, Washington, DC 20231, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS
7TH FLOOR
LOS ANGELES CA 90067

In re Application of :
Ryan Ringholz :
Serial No.: 29/184,057 : **REQUEST FOR EXPEDITED**
Filed: October 23, 2003 : **EXAMINATION**
For: Footwear Outsole :

This is in response to the Request for expedited examination applicant filed October 23, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS
7TH FLOOR
LOS ANGELES CA 90067

In re Application of :
Fiona J. Adams :
Serial No.: 29/184,058 : **REQUEST FOR EXPEDITED**
Filed: October 24, 2003 : **EXAMINATION**
For: Footwear Outsole :

This is in response to the Request for expedited examination applicant filed October 24 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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STERNE, KESSLER, GOLDSTEIN & FOX
PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
William T. Dalebout	:	
Serial No.: 29/184,059	:	**REQUEST FOR EXPEDITED**
Filed: October 29, 2003	:	**EXAMINATION**
For: Top Surface Of An Exercise	:	
Device	:	

This is in response to the Request for expedited examination applicant filed October 29, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900 by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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STERNE, KESSLER, GOLDSTEIN & FOX
PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
William T. Dalebout :
Serial No.: 29/184,060 : **REQUEST FOR EXPEDITED**
Filed: October 29, 2003 : **EXAMINATION**
For: Portion Of A Top Surface Of An :
Exercise Device :

This is in response to the Request for expedited examination applicant filed October 29, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900 by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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DEC 4 2003

STERNE, KESSLER, GOLDSTEIN & FOX
PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of	:	
William T. Dalebout	:	
Serial No.: 29/184,059	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: October 29, 2003	:	
For: Top Surface Of An Exercise Device	:	

This is in response to the Request for expedited examination applicant filed October 29, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900 by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	To Be Assigned
	Filing Date	Herewith
	First Named Inventor	William T. Dalebout
	Title	Top Surface of an Exercise Device
	Atty Docket Number	2073.0260001/DKSC/HMR

-OR- HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

Class 482, and subclasses: 30, 77, 127, 142 and 146; and class D2, subclasses: 662, 671, 672, 686, 688, and 692

Related applications: Divisional of 29/186,005, filed July 9, 2003, which claims priority to and is a divisional of application no. 09/737,392, filed on December 15, 2000. Applicant is filing another divisional application today, October 29, 2003, with a Request for Expedited Examination that also claims priority to the same applications.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

October 29, 2003	
Date	Signature
(202) 371-2600	David K. S. Cornwell
Telephone Number	Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

16800 U.S.PTO 29/184059 1029903
10/30/2003 SSHAMARA 00000001 29184059 900.00 OP
02 FC:1802

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P.O. BOX 1450
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DEC 4 2003

STERNE, KESSLER, GOLDSTEIN & FOX
PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

In re Application of :
William T. Dalebout :
Serial No.: 29/184,060 :
Filed: October 29, 2003 :
For: Portion Of A Top Surface Of An: :
Exercise Device :

REQUEST FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed October 29, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900 by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

PTO/SB/27 (08-03)
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16800 U.S. PTO
29/184060
102903

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)		
	Application Number	To Be Assigned
	Filing Date	Herewith
	First Named Inventor	William T. Dalebout
	Title	Portion of A Top Surface of an Exercise Device
	Atty Docket Number	2073.0260002/DKSC/HMR

-OR- HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

10/30/2003 SSANDARA 00000002 29184060
02 FC:1802 900.00 DP

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:

Class 482, and subclasses: 30, 77, 127, 142 and 146; and class D2, subclasses: 662, 671, 672, 686, 688, and 692

Related applications: Divisional of 29/186,005, filed July 9, 2003, which claims priority to and is a divisional of application no. 09/737,392, filed on December 15, 2000. Applicant is filing another divisional application today, October 29, 2003, with a Request for Expedited Examination that also claims priority to the same applications.

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

October 29, 2003
Date

Signature

(202) 371-2600
Telephone Number

David K. S. Cornwell
Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of	:	
Don C. Arnold	:	
Serial No.: 29/184,061	:	**REQUEST FOR EXPEDITED**
Filed: October 29, 2003	:	**EXAMINATION**
For: Double-Bowl Sink	:	

This is in response to the Request for expedited examination applicant filed October 29, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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LIEBERMAN & BRANDSDORFER, LLC
12221 MCDONALD CHAPEL DRIVE
GAITHERSBURG MD 20878

In re Application of :
Dennis Comeau :
Serial No.: 29/184,063 : **REQUEST FOR EXPEDITED**
Filed: November 6, 2003 : **EXAMINATION**
For: Sandal :

This is in response to the Request for expedited examination applicant filed November 6, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of :
Don C. Arnold :
Serial No.: 29/184,064 : **REQUEST FOR EXPEDITED**
Filed: November 12, 2003 : **EXAMINATION**
For: Single-Bowl Sink :

This is in response to the Request for expedited examination applicant filed November 12, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

In re Application of :
Don C. Arnold :
Serial No.: 29/184,065 : **REQUEST FOR EXPEDITED**
Filed: November 12, 2003 : **EXAMINATION**
For: Double-Bowl Sink :

This is in response to the Request for expedited examination applicant filed November 12, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES CA 90067

In re Application of :
Christjane Burg :
Serial No.: 29/184,068 : **REQUEST FOR EXPEDITED**
Filed: November 18, 2003 : **EXAMINATION**
For: Footwear Outsole :

This is in response to the Request for expedited examination applicant filed November 18, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Coudert Brothers LLP
Attn: Lewis Reff
1114 Avenue of the Americas
New York NY 10036

In re Application of :
Smith et al :
Serial No.: 29/184,069 : **REQUEST FOR EXPEDITED**
Filed: November 21, 2003 : **EXAMINATION**
For: Window Shade :

This is in response to the Request for expedited examination applicant filed November 21, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Coudert Brothers LLP
Attn: Lewis Reff
1114 Avenue of the Americas
New York NY 10036

In re Application of	:	
Smith et al	:	
Serial No.: 29/184,071	:	**REQUEST FOR EXPEDITED**
Filed: November 21, 2003	:	**EXAMINATION**
For: Window Shade	:	

This is in response to the Request for expedited examination applicant filed November 21, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Coudert Brothers LLP
Attn: Lewis Reff
1114 Avenue of the Americas
New York NY 10036

In re Application of	:	
Smith et al	:	
Serial No.: 29/184,072	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 21, 2003	:	
For: Window Shade	:	

This is in response to the Request for expedited examination applicant filed November 21, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Coudert Brothers LLP
Attn: Lewis Reff
1114 Avenue of the Americas
New York NY 10036

In re Application of :
Smith et al :
Serial No.: 29/184,073 : **REQUEST FOR EXPEDITED**
Filed: November 21, 2003 : **EXAMINATION**
For: Window Shade :

This is in response to the Request for expedited examination applicant filed November 21, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Coudert Brothers LLP
Attn: Lewis Reff
1114 Avenue of the Americas
New York NY 10036

In re Application of	:	
Smith et al	:	
Serial No.: 29/184,074	:	**REQUEST FOR EXPEDITED**
Filed: November 21, 2003	:	**EXAMINATION**
For: Window Shade	:	

This is in response to the Request for expedited examination applicant filed November 21, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/2/06

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/185005 Patent No.: D523583

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please check fig. 3 of Description on Title Page

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

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Paper No.

MORGAN & FINNEGAN, L.L.P.
345 PARK AVENUE
NEW YORK, NY 10154

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APR 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Dominique Pibouleau :
Application No. 29/185,019 : DECISION ON PETITION
Filed: June 20, 2003 :
Attorney Docket No. 7788-5572 :

This is a decision on the "REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT," filed December 17, 2003. This paper is properly treated as a petition under § 1.53(e)(2) requesting review of a notification that the above-identified is not entitled to a filing date. Petitioner requests that the Office accord the above-identified application a filing date of June 20, 2003.

Application papers in the above-identified application were deposited on June 20, 2003. On September 17, 2003, a Notice to File Missing Parts of Application - Filing Date Granted was mailed in the above-identified application. The Notice stated that the filing date is June 20, 2003; however, figure 3 described in the specification appeared to have been omitted from the application. Applicant responded on October 15, 2003, with, among other things, 2 sheets of drawings properly numbered figures 1-6. In response, the Office mailed applicant a corrected filing receipt with a filing date shown of October 15, 2003.

Applicant then filed a request for corrected filing receipt. This request was denied and applicant was directed to file a petition. Applicant filed the instant request and authorization to charge required fees, which are being treated as a petition (and petition fee). Applicant asserts that the Office's changing of the filing date and denial of correction is in error. Applicant contends that the application as filed complied with 37 C.F.R. 1.53(b) and was entitled to a filing date, as reflected in the Filing Receipt and Notice both mailed September 17, 2003. According to applicant, the drawings filed October 15, 2003 merely corrected the numbering of the figures and did not add new matter. Thus, the filing date should not have been changed.

Petitioner's arguments are well-taken. A comparison of the drawings received June 20, 2003 and those received October 15, 2003, confirms that, as stated by applicant, merely the legend of the resubmitted figures was changed to indicate their proper

sequential numbering. A review of the record reveals no basis for the Office to have changed the filing date of this application.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee will be charged.

The Office of Initial Patent Examination (OIPE) is being directed, per this decision, to:

- correct the **filing date to June 20, 2003** using the application papers received in the Office and presently accorded that date; and figures 1-6 resubmitted on October 15, 2003.

It is noted that this application is ready for issuance. Office records indicate that a Notice of Allowance was mailed on January 30, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Kolisch Hartwell, P.C.
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Portland, OR 97204

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NOV 23 2004

OFFICE OF PETITIONS

In re Application of: Olav Eldroy :
Application No. 29/185,081 :
Filed: June 20, 2003 :
Attorney Docket No. OPA 313 :

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

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

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

This file is being forwarded to Technology Center Art Unit 2913 for further processing, in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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GREENBERG TRAURIG LLP
77 WEST WACKER DRIVE, SUITE 2500
CHICAGO, IL 60601-1732

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APR 13 2006
OFFICE OF PETITIONS

In re Application of	:
Heinrich Baumgartner	: DECISION GRANTING PETITION
Application No. 29/185,133	: UNDER 37 CFR 1.313(c)(3)
Filed: June 23, 2003	:
Attorney Docket No. 57801.010030	:

This is a decision on the petition under 37 CFR 1.313(c)(3), filed April 11, 2006 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on March 16, 2006 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed April 11, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2913 for processing of the CPA and consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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RONALD L. DYKSTRA
10660 PERRY STREET
HOLLAND MI 49424

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MAR 12 2007

OFFICE OF PETITIONS

In re Application of :
Ronald L. Dykstra :
Application No. 29/185,142 : DECISION GRANTING PETITION
Filed: June 23, 2003 : UNDER 37 CFR 1.137(b)
For: INFLATABLE BALL CHAIR :

This is a decision on the petition under 37 CFR 1.137(b), filed November 6, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability of March 10, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Patent Publication and for review of the drawings submitted on November 6, 2006.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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8/23/05

CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND, OH 44114

In re Application of
Kenneth J. Nicholas :
Serial No.: 29/185,163 :
Filed: June 24, 2003 : PETITION DECISION
Attorney Docket No.: 24259/04484 :
:

This is a decision on applicant's Petition to Revive under 37 CFR 1.181 submitted July 22, 2005, due to non-response of office action.

This application became abandoned for failure to respond to the Office action mailed December 29, 2004, which set a one-month shortened statutory period to respond. As no response was received by January 31, 2005, a Notice of Abandonment was mailed July 14, 2005. Applicant then filed this petition.

Applicant has submitted copies of the response with a Certificate of Mailing date of April 28, 2005, and a three-month extension of time. Therefore, as the response was timely filed, the case will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

The three-month extension of time of $1020.00 will be charged to applicant's Deposit Account 03-0172, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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JUL 25 2006

OFFICE OF PETITIONS

In re Application of :

Anrea Fanziska Brandt :

Application No. 29/185,172

Filing Date: June 23, 2003 :

Attorney Docket No. CD452

This is a decision on the petition under 37 CFR §1.137(b), filed March 14, 2006, in the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed December 2, 2005. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on March 3, 2006.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy the requirements of item (4) above.

As to item (4), the terminal disclaimer was not found with the petition papers. The subject application is a design application, therefore; a terminal disclaimer is required in order to revive the application. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience. Pursuant to 37 CFR 1.137(d), the terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted from this application that is equivalent to the period of abandonment of the application.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

PTO/SB/63 (09-04)
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Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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AUG 25 2006

OFFICE OF PETITIONS

In re Application of

Andrea Fanziska Brandt

Application No. 29/185,172

Filed: June 23, 2003

Attorney Docket No. CD452

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 11, 2006, to revive the above-identified application.

The renewed petition under 37 CFR 1.137(b) is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee Due mailed December 2, 2005, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on March 3, 2006. A petition under 37 CFR 1.137(b) was first filed on March 14, 2006, and dismissed by a decision mailed July 25, 2006.

A Notice of Abandonment was mailed on August 14, 2006.

The terminal disclaimer filed August 11, 2006, is also noted.

The application is being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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CARR LLP
670 FOUNDERS SQUARE
900 JACKSON STREET
DALLAS TX 75202

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SEP 15 2005

OFFICE OF PETITIONS

In re Application of :
Edmondson :
Application No. 29/185,220 : ON PETITION
Filed: June 25, 2003 :
FOR: PITCHER'S TUTOR :

This decision is in response to the "PETITION" filed June 10, 2005, which is being treated as a petition to accord the instant application a filing date of June 25, 2003. See MPEP 506.

On June 25, 2003, the application was deposited. The filing included, *inter alia,* a specification, one drawing sheet, a declaration, and a filing fee.

On August 22, 2003, the Office of Initial Patent Examination mailed a Notice stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response, on October 20, 2003, a response was submitted that did not address the merits of the Notice mailed August 22, 2003.

On April 4, 2005, the Notice mailed August 22, 2003 was withdrawn and a new Notice mailed, to wit the instant reply was submitted.

The Notice mailed April 4, 2005 again indicated that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

Petitioner argues that the application was submitted by the pro se inventor who was unfamiliar with the format for patent applications. Petitioner further argues in essence that the inventor informally included the subject matter he claimed as

his inventor as the last sentence of the written description. Petitioner further argues that the application is entitled to a filing date of June 25, 2003 despite these informalities as the application met the minimum statutory requirements for a patent application under 35 USC 112.

Petitioner's arguments have been carefully considered and found unconvincing.

A review of the record reveals that no formal claim was included with the application papers deposited on June 25, 2003. However, it is noted that the application papers deposited June 25, 2003 included a declaration stating that the inventor believes himself to be:

> "the original, first, and sole inventor … of the subject matter which is claimed and for which a patent is sought on the inventor entitled "PITCHER'S TUTOR," the specification of which is attached hereto."

A formal claim was not included with the application when it was deposited. However, since this a design application, the above-quoted language in the declaration can be construed as the claim required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for purposes of according this application a filing date of June 25, 2003.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such..

For the reasons stated herein, the petition is hereby **GRANTED**.

The preliminary amendment filed June 10, 2005, will be entered in due course and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The required petition fee of $400.00 has been charged to petitioner's desposit account as authorized. As the instant petition was not necessitated due to Office error, the Finance Office will not approve any requests for refund of the petition fee.

The application is being returned to Application Division for further processing with a filing date of June 25, 2003, using the application papers filed June 25, 2003 and the formal claim filed June 10, 2005.

The power of attorney/correspondence address submitted with the instant petition has been entered into the record.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

Conferee: Fred Silverberg

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JAMES M SERAFINO, ESQ.
COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
P.O. BOX 1343
PISCATAWAY, NJ 08855-1343

MAR 29 2005

In re Application of
Bruce Cummings
Serial No.: 29/185,233
Filed: June 25, 2003
Attorney Docket No.: IR 7364

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on December 30, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 30, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by September 30, 2004, a Notice of Abandonment was mailed to applicant November 2, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived as the petition was filed within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $130.00 will be refunded to applicant's Deposit Account 03-2455, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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20775 NORADA COURT
SARATOGA CA 95070-3018

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OFFICE OF PETITIONS

In re Application of	:	
Taoming Chen	:	
Application No. 29/185,247	:	ON PETITION
Filed: June 24, 2003	:	
Attorney Docket No. 1982003	:	

This is a decision on the paper, filed October 12, 2005, which is being treated as a petition under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely reply to the Notice of Allowance and Issue Fee due mailed June 29, 2004.

The petition states that a reply was timely submitted. To support this assertion, the petitioner has submitted a copy of the postcard receipt showing a receipt stamp date of September 15, 2004, in Technology Center 1600/2900, of the Issue Fee Transmittal. Additionally, Office records do show that the Issue Fee Transmittal was received in the USPTO Mail Center on September 7, 2004.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

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

This matter is being referred to Patent Publication and for review of the submitted drawings.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Otto O. Lee
Intellectual Property Law Group LLP
Twelfth Floor
12 South First Street
San Jose, CA 95113

COPY MAILED

JUN 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Murphy et al. :
Application No. 29/185,253 : ON PETITION
Filed: June 23, 2003 :
Attorney Docket No. POF.CRITERION.DP1 :

This is a decision on the petition filed July 28, 2003,[1] to accord the above-identified application a filing date of June 23, 2003, instead of June 24, 2003.

The petition is **granted**.

37 CFR 1.10(d) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of June 23, 2003.

The petition fee of $130 will be credited back to petitioner's deposit account.

---

[1] The original petition cannot be located in the file of application no. 29/185,253. Therefore, this decision is based on the copies of the petition supplied on April 6, 2004, and April 29, 2004.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of June 23, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

PTO/SB/17 (0 -03)
Approved for use through 04/30/2003. OMB 0651-0032
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 displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 130

Complete if Known	
Application Number	29/185,253
Filing Date	
First Named Inventor	Peter Barry Moyle
Examiner Name	
Art Unit	
Attorney Docket No.	POF.CRITERION.DP1

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 50-1037

Deposit Account Name: IP Law Group LLP

The Commissioner is authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =		x =
Independent Claims		-3** =		x =
Multiple Dependent				=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) ($) 130.00

SUBMITTED BY				(Complete if applicable)	
Name (Print/Type)	Juneko Jackson	Registration No. (Attorney/Agent)	48,870	Telephone	408-286-8933
Signature				Date	7/23/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231

PAGE 6/12 * RCVD AT 4/29/2004 4:12:32 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:4082868932 * DURATION (mm-ss):05-10

Adjustment date: 06/21/2004 CKHLOK
07/29/2003 SLUANG1 00000031 29185253
-130.00 OP
01 FC:1460

Repln. Ref: 06/21/2004 CKHLOK 0010452000
DA#:501037 Name/Number:29185253 $130.00 CR
FC: 9204

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 6-1P-04

2 Serial/Patent # 29/185,253

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition		7-28-03	$ 130
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 130

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 50--1037

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

Petitions under Rule 10 are free

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Steven Bradley TITLE: Petitions Atty

SIGNATURE: [signature] PHONE: 306-3683

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 6/21/04

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/07/06

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/185284** Patent No.: **d521505**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 133

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

STELLA REID
SUPERVISORY DESIGN EXAMINER

_____ 2912
SPE **Art Unit**

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

LACKENBACH SIEGEL, LLP
ONE CHASE ROAD
SCARSDALE NY 10583

COPY MAILED

OCT 2 1 2003

OFFICE OF PETITIONS

In re Application of	:	
Jose M. Ferrer Beltran	:	
Application No. 29/185,337	:	ON PETITION
Filed: 26 June, 2003	:	
Attorney Docket No. ISERN.DP-100	:	

Receipt is acknowledged of the petition filed on 15 September, 2003, which is treated as a petition to withdraw the Notice of Omitted Items in a Nonprovisional Application mailed on 26 August, 2003.

The petition is **DISMISSED**.

The application was filed on 26 June, 2003. However, on 26 August, 2003, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date of 26 June, 2003, and advising applicant that Figure 2 described in the specification appeared to have been omitted.

In response, the present petition was filed on 15 September, 2003. Petitioners explain that Figure 2 was not missing on 9 May, 2003. Petitioners further state that the label for Figure 3 was partially obscured on the drawing sheets as filed. On 15 September, 2003, petitioners supplied two (2) sheets of drawings including, *inter alia*, Figures 2 and 3.

It is obvious from the petition that no drawing was actually missing on 26 June, 2003. Rather, the drawing of Figure 2 was simply unlabeled as a result of the applicant's filing error. However, the "Notice" mailed on 26 August, 2003, was correct in stating that Figure 2 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

As the present petition was not necessitated by any error on the part of the Office, the $130.00 petition fee will not be refunded.

The application will be processed using the application papers filed on 9 May, 2003. The copies of the drawing sheets supplied on 15 September, 2003, will not be used for processing, but will be retained in the application file.

Petitioners should file the corrected drawings containing the label for Figure 2 as a preliminary amendment.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 26 June, 2003, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

D Wood

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
www.uspto.gov

N. Paul Friederichs
ANGENEHM LAW FIRM
P.O. Box 48755
Coon Rapids, MN 55448-0755

COPY MAILED

SEP 15 2006

OFFICE OF PETITIONS

In re Application of

:

Robert A. Racek

: ON PETITION

Application No. 29/185,355

Filing Date: June 27, 2003

:

Attorney Docket No. R610-002-DES

This is a decision on the petition under 37 CFR §1.137(b), filed May 31, 2006, in the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed April 20, 2005. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 21, 2005. A Notice of Abandonment was mailed on November 22, 2005.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy the requirements of items (1) or (4) above.

As to item (1), a proper reply to the Notice of Allowance and Issue Fee Due was not found with the petition. A copy of the Notice of Allowance and Issue Fee Due mailed April 20, 2005, accompanies this decision. The renewed petition must be accompanied by a proper response to the Notice of Allowance and Issue Fee Due.

As to item (4), the terminal disclaimer was not found with the petition papers. The subject application is a design application, therefore; a terminal disclaimer is required in order to revive the application. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience. Pursuant to 37 CFR 1.137(d), the terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted from this application that is equivalent to the period of abandonment of the application.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosures: "Terminal Disclaimer to Accompany Petition"
Copy—Notice of Allowance and Issue Fee Due

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 04/20/2005

N. Paul Friederichs
ANGENEHM LAW FIRM
P.O. Box 48755
Coon Rapids, MN 55448-0755

EXAMINER	
BROWN, MELODY NOEL	
ART UNIT	**PAPER NUMBER**
2915	

DATE MAILED: 04/20/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/185,355	06/27/2003	Robert A. Racck	R610-002-DES	6007

TITLE OF INVENTION: TRUCK BED STAKE POCKET TIE DOWN OR SIMILAR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	07/20/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 04/20/2005

N. Paul Friederichs
ANGENEHM LAW FIRM
P.O. Box 48755
Coon Rapids, MN 55448-0755

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/185,355	06/27/2003	Robert A. Racek	R610-002-DES	6007

TITLE OF INVENTION: TRUCK BED STAKE POCKET TIE DOWN OR SIMILAR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	07/20/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROWN, MELODY NOEL	2915	D12-223000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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.
29/185,355	06/27/2003	Robert A. Racek	R610-002-DES	6007

7590 04/20/2005

N. Paul Friederichs
ANGENEHM LAW FIRM
P.O. Box 48755
Coon Rapids, MN 55448-0755

EXAMINER	
BROWN, MELODY NOEL	

ART UNIT	PAPER NUMBER
2915	

DATE MAILED: 04/20/2005

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

Design patents have a term measured from the issue date of the patent and the term remains the same length regardless of the time that the application for the design patent was pending. Since the above-identified application is an application for a design patent, the patent is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

PTO/SB/63 (07-06)
Approved for use through 09/30/2006. 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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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N. Paul Friederichs
ANGENEHM LAW FIRM
P.O. Box 48755
Coon Rapids, MN 55448-0755

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OFFICE OF PETITIONS

In re Application of

Robert A. Racek

Application No. 29/185,355

Filed: June 27, 2003

Attorney Docket No. R610-002-DES

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 4, 2006, to revive the above-identified application.

The renewed petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed April 20, 2005. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 21, 2005. A Notice of Abandonment was mailed on November 22, 2005. A petition under 37 CFR 1.137(b) was filed on May 31, 2006, and dismissed by a decision mailed September 15, 2006.

The terminal disclaimer, filed October 4, 2006, is noted. The issue fee and Form PTOL-85B are noted as having been received on October 4, 2006.

The application is being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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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D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6th STREET
CLEVELAND, OH 44114

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FEB 07 2006

OFFICE OF PETITIONS

Patent No. D495,198 :
Issue Date: August 31, 2004 :
Application No. 29/185,380 : ON PETITION
Filed: June 26, 2003 :
Attorney Docket No. EJ0703US (#90639) :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed December 5, 2005.

37 CFR 1.28(c) states: "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby accepted.

The change of status to a large entity has been entered and made of record.

This application will be returned to Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

DEC 15 2004

PETER T. KWON
G W I P S
KANGNAM P.O. BOX 2301
SEOUL, 135-242
REPUBLIC OF KOREA

In re Application of	:
Mi-Ja Park	:
Serial No.: 29/185,407	: PETITION DECISION
Filed: June 27, 2003	:
Attorney Docket No.: D3043/DOOS	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received October 8, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 7, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. Applicant submitted the Issue fee on May 28, 2004; however, as the formal drawings were not submitted by June 10, 2004, a Notice of Abandonment was mailed August 4, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within three months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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6/24/05

TOM HAMILL
2101 CRYSTAL PLAZA ARCADE, PMB 308
ARLINGTON VA 22202

In re Application of
Robert D. Prestwich
Serial No.: 29/185,441
Filed: June 30, 2003
Attorney Docket No.: 2133-DES

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received March 8, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed September 7, 2004, which set a three-month statutory period to pay the Issue fee. As no response was received by December 7, 2004, a Notice of Abandonment was mailed February 18, 2005. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/16/07 Paper No.: ____

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D511056

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE

2911
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CHARLES Y. LACKEY
PO BOX 5871
WINSTON-SALEM, NC 27113-5871

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SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Pierre A. Goria II :
Application No. 29/185,471 : ON PETITION
Filed: June 30, 2003 :
For: FIRE EXTINGUISHER HOLDER :

This is a decision on the petition under 37 CFR 1.137(b), filed August 29, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed February 10, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 11, 2005.

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), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer required pursuant to 37 CFR 1.137(d). This petition lacks item (4) above.

The terminal disclaimer filed August 29, 2005 under 37 CFR 1.137(d) has **not** been entered. Effective September 8, 2000, 37 CFR 1.137(d)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the

application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. 65 Fed. Reg. 54,674 (2000).

Since the terminal disclaimer fails to dedicate to the public the lesser of period (1) or (2), as noted above, the petition must be dismissed. A blank form for filing a terminal disclaimer is attached.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: PTO/SB/63

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

CHARLES Y. LACKEY
PO BOX 5871
WINSTON-SALEM, NC 27113-5871

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FEB 07 2006

OFFICE OF PETITIONS

In re Application of	:	
Pierre A. Goria II	:	
Application No. 29/185,471	:	ON PETITION
Filed: June 30, 2003	:	
Attorney Docket No. G052	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The terminal disclaimed filed November 14, 2005 under 37 CFR 1.137(d) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(d)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. 65 Fed. Reg. 54,674 (2000). Accordingly, the period of the terminal disclaimer filed November 14, 2005 will be equivalent to the lesser of period (1) or (2), as noted above, for this application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 02 2004

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

FOLEY & LARDNER
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60610-4764

In re Application of
John Gillespie :
Serial No.: 29/185,491 :
Filed: June 27, 2003 : PETITION DECISION
Attorney Docket No.: 461494-0112 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 21, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 6, 2004, which set a three-month statutory period to pay the issue fee. The issue fee was received August 9, 2004; as it was due August 6, 2004, a Notice of Abandonment was mailed August 25, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 27 2004

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

Charles E. Baxley
Suite 309
90 John Street
New York NY 10038

In re Application of
Tung-Hua Su :
Serial No.: 29/185,529 :
Filed: June 27, 2003 : PETITION DECISION
Attorney Docket No.: 13833 B :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted June 3, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 19, 2004, which set a three-month statutory period to pay the issue fee. As no response was received by May 19, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:061505

DATE : June 15, 2005

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D502,024

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The drawings submitted on March 4, 2005, which appear to be xerographic copies of photographs, are not approved. They are too light, and the lines are rough, and breaking apart in most locations. It is not possible to see all the details of the design.

SPE: Joel Sincavage **Art Unit** 2913

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NOV 16 2004

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

In re Application of	:	
Peter Pfeiffer	:	
Application No: 29/185,599	:	WTHDRAWAL
Filed: July 1, 2003	:	FROM ISSUE
Title: Surface Configuration of a Taillight For a Vehicle	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 C.F.R. 1.313.

The application is being withdrawn to permit reopening of prosecution to consider the petition to suspend. See 37CFR 1.313(b)(3).

PTO records reveal that the issue fee has not been paid. If the fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the Examiner for action.

John E. Kittle
Director
Technology Center 3700/2900

29/185623

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/31/05

Paper No.: ~

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No. D501098 S

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Virginia Tolbert

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Caron D. Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

SPE

2913

Art Unit

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United States Patent and Trademark Office
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KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia PA 19103

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OFFICE OF PETITIONS

In re Application of :
Pitman :
Application No. 29/185,648 : ON PETITION
Filed: July 1, 2003 :
Attorney Docket No. CCK-0128 :
For: CLOSURE CAP

This is a decision on the petition under 37 CFR 1.137(b), filed on November 10, 2005 (certificate of mailing date November 7, 2005), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit the issue fee and a completed PTOL-85B or an equivalent in response to the Notice of Allowance, mailed March 4, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on June 5, 2005. A Notice of Abandonment was mailed on August 25, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c).

The instant petition lacks items (1) and (4).

With respect to item (1), applicants still have not submitted a completed PTOL-85B or an equivalent, as was required by Notice of Allowance and Fee(s) Due.

With respect to item (4) above, a terminal disclaimer is missing from the instant petition and is required for all design applications, regardless of the application's filing date. 37 CFR 1.137(d)(1).

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

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

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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KNOBLE & YOSHIDA, LLC
Eight Penn Center, Suite 1350
1628 John F. Kennedy Blvd.
Philadelphia PA 19103

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DEC 0 1 2006
OFFICE OF PETITIONS

In re Application of :
Pitman :
Application No. 29/185,648 : ON PETITION
Filed: July 1, 2003 :
Attorney Docket No. CCK-0128 :
For: CLOSURE CAP

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed on August 18, 2006.

The application became abandoned for failure to submit the issue fee and a completed PTOL-85B or an equivalent in response to the Notice of Allowance, mailed March 4, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on June 5, 2005. A Notice of Abandonment was mailed on August 25, 2005.

Applicant has submitted a proper reply in the form of the issue fee and a completed PTOL-85B, an acceptable statement of the unintentional nature of the delay in responding to the March 4, 2005 Allowance and Fee(s) Due, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

After the mailing of this decision, this application will be forwarded to Publishing Division for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Date :05/25/07

Patent No. : D535189 S
Ser. No. : 29/185,648
Inventor(s) : PITMAN, KELVIN
Issued : 01/16/07
Title : **CLOSURE CAP**
Docket No. : CCK-0128

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Lamonte M. Newsome

Lamonte M. Newsome
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 #112 or (703) 308-8309

KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

LMN

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER, SUITE 1350
1628 JOHN F. KENNEDY BLVD.
PHILADELPHIA PA 19103

In re Patent No. D,535,189 :
Issue Date: January 16, 2007 :
Application No. 29/185,648 : ON PETITION
Filed: July 1, 2003 :
Attorney Docket No. CCK-0128 :

This is a decision on the petition filed June 22, 2007, under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

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FEB 18 2004

OFFICE OF PETITIONS

In re Application of
Warshawsky
Application No. 29/185,651
Filed: July 1, 2003
Attorney Docket No. IW-Dual Pivot Spout
For: DUAL PIVOT FAUCET SPOUT

DECISION GRANTING
PETITION

This is a decision on the petition, filed October 21, 2003, requesting, in effect, withdrawal of the Notice to File Incomplete Nonprovisional Application (Notice), mailed September 9, 2003. The petition will be treated under 37 CFR 1.53.

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on July 1, 2003. On September 9, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that a specification and at least one claim appeared to have been omitted. As a result, no filing date was accorded to the application.

In response, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of July 1, 2003 on the basis that a specification and claim were received in the Patent and Trademark Office (PTO) on July 1, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 1, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included "DESIGN PATENT APPLICATION INCLUDING TRANSMITTAL, SPECIFICATION CLAIMS, DRAWINGS (9) SHEETS.". Because the specification and claim are absent **in toto**, this postcard is acceptable.[1]

The return postcard constitutes *prima facie* evidence that a specification and claim were filed on July 1, 2003. MPEP 503. Accordingly, the request is granted.

The $130.00 petition fee will be credited to deposit account No. 23-0120.

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[1] In the future, petitioner should submit a postcard that itemizes (**including number of pages**) all the components of a newly filed application. If petitioner follows this procedure, then petitioner will be protected if a page of a component of an application is missing.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 1, 2003.** The single page containing the specification and claim, submitted with the instant petition, will be used for processing purposes.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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SEP 24 2004

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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of
Brian Fields :
Serial No.: 29/ 185692 :
Filed: July 1, 2003 : PETITION DECISION
Attorney Docket No.: CC-3552 :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on August 23, 2004, to revive an unintentionally abandoned application.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on January 13, 2004. Applicant filed a Request for Continued Examination on April 12, 2004. However, as RCE's do not apply to design patent applications, and a proper response was not filed by April 13, 2004, the application was abandoned.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the notice of abandonment, the requirement for a terminal disclaimer has been waived. The filing of a Continued Prosecution Application (CPA) is considered a proper response.

Applicant's petition is **GRANTED**.

The application will be forwarded to be processed as a CPA in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of
Brian Fields :
Serial No.: 29/ 185692 :
Filed: July 1, 2003 : PETITION DECISION
Attorney Docket No.: CC-3552 :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on August 23, 2004, to revive an unintentionally abandoned application.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on January 13, 2004. Applicant filed a Request for Continued Examination on April 12, 2004. However, as RCE's do not apply to design patent applications, and a proper response was not filed by April 13, 2004, the application was abandoned.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the notice of abandonment, the requirement for a terminal disclaimer has been waived. The filing of a Continued Prosecution Application (CPA) is considered a proper response.

Applicant's petition is **GRANTED**.

The application will be forwarded to be processed as a CPA in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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STATEN ISLAND NY 10304

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APR 2 8 2006

OFFICE OF PETITIONS

In re Application of :
Peter Kohn :
Application No. 29/185,726 : ON PETITION
Filed: July 2, 2003 :
Title: Paint Tray Cover with Support for a Paint Can :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed March 14, 2006.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed September 7, 2005. This Notice set a period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been timely received, the above-identified application became abandoned on December 8, 2005. A Notice of Abandonment was mailed on February 1, 2006.

Petitioner states that he did not receive the September 7, 2005 Notice of Allowance.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the **docket record** where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

Here, petitioner has not submitted a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed.

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

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

By FAX: (571)273-8300
Attn: Office of Petitions

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

Cliff Congo
Petitions Attorney
Office of Petitions

---

[1] See MPEP 711.03(c)(II).

[2] Id (emphasis added).

[3] Id.

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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Peter Kohn :
Application No. 29/185,726 : ON PETITION
Filed: July 2, 2003 :
Title: Paint Tray Cover with Support for a Paint Can :

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 26, 2006.

The petition under 37 CFR 1.181 is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed September 7, 2005. This Notice set a period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been timely received, the above-identified application became abandoned on December 8, 2005. A Notice of Abandonment was mailed on February 1, 2006. Applicant filed a petition to withdraw the holding of abandonment on March 14, 2006, alleging non-receipt of the Notice of Allowance. However, the petition was dismissed in a decision mailed on April 28, 2006. Applicant did not include a copy of a docket report showing all his replies docketed with a due date of December 7, 2005.

With the instant renewed petition, petitioner has submitted a copy of a satisfactory docket record. The docket record shows the three replies petitioner had docketed for a response on December 7, 2005. The instant application does not appear on the docket report.[1]

In view of the above, the holding of abandonment is withdrawn.

The matter is being forwarded to Group Art Unit 2911 for re-mailing of the Notice of Allowance, setting a new period for reply.

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

Cliff Congo
Petitions Attorney
Office of Petitions

[1] See MPEP 711.03(c)(II).

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ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC
14135 N. CEDARBURG ROAD
MEQUON, WI 53097-1416

In re Application of	:	
Uta Nauert	:	
Serial No.: 29/185,780	:	DECISION ON PETITION
Filed: July 2, 2003	:	
For: Hummingbird Feeder Shade	:	

This is in response to applicants' petition filed July 2, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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JUN 2 1 2004

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC
14135 N. CEDARBURG ROAD
MEQUON, WI 53097-1416

In re Application of	:	
Uta Nauert	:	
Serial No.: 29/185,781	:	DECISION ON PETITION
Filed: July 2, 2003	:	
For: Hummingbird Feeder Shade	:	

This is in response to applicants' petition filed July 2, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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Paper No.

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

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AUG 19 2004

OFFICE OF PETITIONS

In re Application of :
Robin Staples :
Application No. 29/185,787 :
Filed: July 1, 2003 : ON PETITION
Title of Invention: MINT TIN :

This is in response to a Petition Under 37 CFR 1.47(a), filed June 1, 2004, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventor, Robin Staples, refuses to join in the application.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

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FOURTH FLOOR
500 N. COMMERCIAL STREET
MANCHESTER, NH 03101-1151

In re Application of	
Robert G. Vennard	:
Serial No.: 29/185,854	:
Filed: July 3, 2003	: PETITION DECISION
Attorney Docket No.: DEGMAN D02AUSP1	:

This is in response to applicant's letter, which is being treated as a Petition under 37 CFR 1.181, submitted by facsimile September 23, 2004, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to timely respond to the Office action on February 23, 2004. As no response was received by March 23, 2004, a Notice of Abandonment was mailed September 17, 2004. This petition followed.

Applicant has stated that a timely reply to the Office action was submitted, and a copy of the response with a Certificate of Transmission date of March 15, 2004 confirms this. The case is now returned to pending status, and the abandonment is thereby withdrawn.

The application will be promptly forwarded to the Examiner for consideration of applicant's response.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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In re Application of	:
Robert G. Vennard	:
Serial No.: 29/185,854	: PETITION DECISION
Filed: July 3, 2003	:
Attorney Docket No.: DEGMAN D02AUSP1	:

This is in response to applicant's Request to Withdraw Abandonment, which is being treated as a Petition under 37 CFR 1.181, submitted by facsimile to the Examiner on September 23, 2004.

A review of the file history shows that an Office action was mailed February 23, 2004, setting a one month shortened statutory period of time to respond. As no response was received by March 23, 2004, a Notice of Abandonment was mailed on September 17, 2004.

Applicant has provided a copy of the response, which includes a Certificate of Transmission date of March 15, 2004. Therefore, the response was timely filed, and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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NOV 22 2004
DAVIS AND BUJOLD

In re Application of
Robert G. Vennard
Serial No.: 29/185,854
Filed: July 3, 2003
Attorney Docket No.: DEGMAN D02AUSP1

: PETITION DECISION

This is in response to applicant's letter, which is being treated as a Petition under 37 CFR 1.181, submitted by facsimile September 23, 2004, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to timely respond to the Office action on February 23, 2004. As no response was received by March 23, 2004, a Notice of Abandonment was mailed September 17, 2004. This petition followed.

Applicant has stated that a timely reply to the Office action was submitted, and a copy of the response with a Certificate of Transmission date of March 15, 2004 confirms this. The case is now returned to pending status, and the abandonment is thereby withdrawn.

The application will be promptly forwarded to the Examiner for consideration of applicant's response.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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RECEIVED
DEC - 8 2004

In re Application of :
Robert G. Vennard :
Serial No.: 29/185,854 : PETITION DECISION
Filed: July 3, 2003 :
Attorney Docket No.: DEGMAN :
D02AUSP1

This is in response to applicant's Request to Withdraw Abandonment, which is being treated as a Petition under 37 CFR 1.181, submitted by facsimile to the Examiner on September 23, 2004.

A review of the file history shows that an Office action was mailed February 23, 2004, setting a one month shortened statutory period of time to respond. As no response was received by March 23, 2004, a Notice of Abandonment was mailed on September 17, 2004.

Applicant has provided a copy of the response, which includes a Certificate of Transmission date of March 15, 2004. Therefore, the response was timely filed, and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
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JUL 16 2004

Robert S. Smith
Suite 513
57 Pratt Street
Hartford CT 06103

In re Application of
William J. Cavnaugh :
Serial No.: 29/185,911 :
Filed: July 7, 2003 : PETITION DECISION
Attorney Docket No.: CAVA102 :
:

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment, which is being treated as a Petition under 37 CFR 1.181 submitted May 13, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed December 15, 2003, which set a three-month statutory period to submit the Issue Fee. As no response was received by March 15, 2004, a Notice of Abandonment was mailed May 7, 2004. Applicant then filed this petition.

Applicant has submitted that the Issue fee was timely paid, and evidenced from the copy of the Issue fee transmittal, which includes a Certificate of Mailing date of March 15, 2004. While this paper was not matched with the application, it is clear that applicant timely responded to the Notice of Allowance and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The Issue fee of $240.00 will be charged to applicant's Deposit Account 19-2635, as directed.

The application will be forwarded to the Publications Branch to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Attention: David I. Greenbaum, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017

COPY FOR YOUR INFORMATION

In re Application of
Takayasu Owada :
Serial No.: 29/185,944 :
Filed: September 7, 2003 : PETITION DECISION
Attorney Docket No.: CBCC 0304191 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted July 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed January 14, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. Applicant submitted the Issue fee on February 27, 2004; however, as no formal drawings were submitted, a Notice of Abandonment was mailed June 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The Terminal Disclaimer fee of $110.00 will be refunded to applicant's Deposit Account 23-0825, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 31 2004

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

Attention: David I. Greenbaum, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017

In re Application of	
Takayasu Owada	:
Serial No.: 29/185,944	:
Filed: September 7, 2003	: PETITION DECISION
Attorney Docket No.: CBCC 0304191	:
	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted July 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed January 14, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. Applicant submitted the Issue fee on February 27, 2004; however, as no formal drawings were submitted, a Notice of Abandonment was mailed June 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The Terminal Disclaimer fee of $110.00 will be refunded to applicant's Deposit Account 23-0825, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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PHILIP K. YU
20955 PATHFINDER ROAD
SUITE 100
DIAMOND BAR, CA 91765

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AUG 29 2006
OFFICE OF PETITIONS

In re Application of :
Sui Woo Lee :
Application No. 29/185,988 : ON PETITION
Filed: July 7, 2003 :
Attorney Docket No. 998101 PA1 :

This is a decision on the petition under 37 CFR 1.137(b), filed on June 20, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed February 9, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $400 for payment of the issue fee, and a Terminal Disclaimer along with the $65 fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of one (1) sheet of replacement drawings containing Figures 1-6 filed on April 3, 2006.

The Terminal Disclaimer under 37 CFR 1.137(d) filed June 20, 2006, has been accepted and made of record.

This application file is being referred to the Office of Publications to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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PEAK PRODUCTS MANUFACTURING INC.
LEGAL DEPARTMENT
707-777 WEST BROADWAY
VANCOUVER BC V6C 4J7 CA CANADA

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JUN 15 2004
OFFICE OF PETITIONS

In re Application of :
Simon Walker :
Application No. 29/186,016 : ON PETITION
Filed: July 9, 2003 :
Attorney Docket No. DFRB-ID-030630 :

This is a decision on the petition filed June 7, 2004 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

Petitioner requests that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is withdrawn from issue.

Petitioner is advised that the issue fee paid on April 5, 2004, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 7, 2004.

Telephone inquiries should be directed to the undersigned at (703) 305-9220.

The application is being referred to Technology Center AU 2914 for processing of the CPA.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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NOV 18 2004

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

LAW OFFICES OF JAMES E. WALTON PLLC
1169 N BURLESON BLVD.
SUITE 107-328
BURLESON, TX 76028

In re Application of	:
Lawayne Matthies	:
Serial No.: 29/186,029	: PETITION DECISION
Filed: July 8, 2003	:
Attorney Docket No.: 1001JW	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 16, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 3, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by September 3, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

The Terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 50-2806, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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MAR 0 4 2004

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103-7013

In re Application of :
Frederick N. Biesecker et al :
Serial No.: 29/186,033 :
Filed: July 7, 2003 :
For: Bottle Cap :

DECISION ON PETITION

This is in response to applicants' petition filed January 28, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

OIPE
MAR 14 2005
PATENT & TRADEMARK OFFICE

IFW/8
CC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: OMATA=1

In re Application of:	)	Conf. No.: 1674
Kazuki OMATA	)	Art Unit: 2911
Appln. No.: 29/186,054	)	Examiner:
Filed: July 10, 2003	)	Washington, D.C.
For: LIGHT EMITTING DIODE FOR ILLUMINATING AN OBJECT	)	March 14, 2005

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Petition
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants, through their undersigned attorney, hereby petition for special handling, *i.e.*, advancement of examination, of the above-identified application in accordance with the terms of 37 CFR 1.102(d). This petition is based upon a pre-examination search which found no patents disclosing or suggesting the herein claimed design.

The fee for filing this petition under 37 CFR 1.17(h) is attached hereto.

Granting of this petition is earnestly solicited.

03/17/2005 SLUANG1 00000005 29186034
01 FC:1464 130.00 OP

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700
MAY 25 2005

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 17, 2007

TO SPE OF : ART UNIT 2911 Cathron C. Brooks

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/186,068 Patent No.: D496,375

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Antonio Johnson

Certificates of Correction Branch

703-308-9390 ext. 111

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☑ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE **Art Unit** 2911

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

Ingrid McTaggart
534 S.E. 58th Avenue
Portland OR 97215-1824

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FEB 1 8 2004

OFFICE OF PETITIONS

In re Application of
Henry
Application No. 29/186,082
Filed: July 8, 2003
Attorney Docket No. CRE600
For: TOOTHBRUSH HOLDER WITH BRACKET FOR SUCTION CUP

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed December 1, 2003 (certificate of mailing date November 25, 2003), requesting that the above-identified application be accorded a filing date of July 8, 2003.

The application was deposited on July 8, 2003. On November 17, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice) informing petitioner that no filing date had been accorded to the application papers deposited on July 8, 2003 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that the above-identified application be accorded a filing date of July 8, 2003 on the basis that 2 pages of drawing figures were received in the Patent and Trademark Office (PTO) on July 8, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 8, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing includes 2 pages of drawings.

The return postcard constitutes *prima facie* evidence that 2 pages of drawings were filed on July 8, 2003. MPEP 503. Accordingly, the request is granted.

The $130 petition fee submitted with the instant petition will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **July 8, 2003**, using the copy of the 2 pages of drawings submitted with the instant petition. Office records will be corrected to show that 2 pages of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YOR, NY 10036-8403

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FEB 09 2006

OFFICE OF PETITIONS

In re Application of :
Ignaz Settele :
Application No. 29/186,115 : ON PETITION
Filed: July 9, 2003 :
Attorney Docket No. D/1941-27 :

This is a decision on the petition under 37 CFR 1.181, filed September 6, 2005, to withdraw the holding of abandonment. The petition was recently forwarded to this office for consideration.

The petition is **dismissed**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before June 30, 2005. Accordingly, this application became abandoned on July 1, 2005. A Notice of Abandonment was mailed on August 22, 2005.

Petitioner contends the Notice of Allowance (Notice) was never received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993) and MPEP 711.03(c).

The required copy of the docket record where the non-received Office communication would have been entered had it been received and docketed and referenced in practitioner's statement has not been submitted. As such, the petition must be dismissed.

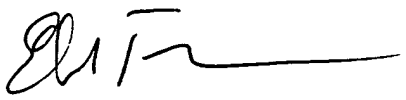
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YOR, NY 10036-8403

In re Application of :
Ignaz Settele :
Application No. 29/186,115 : ON PETITION
Filed: July 9, 2003 :
Attorney Docket No. D/1941-27 :

This is a decision on the request for reconsideration of petition under 37 CFR 1.181, filed March 10, 2006, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before June 30, 2005. Accordingly, this application became abandoned on July 1, 2005. A Notice of Abandonment was mailed on August 22, 2005.

Petitioner asserts the Office communication was not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted and considered.

The petition is granted.

This application is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Robert Mervar	:	
Serial No.: 29/186,149	:	DECISION ON PETITION
Filed: July 11, 2003	:	
For: Portion of a Shoe	:	

This is in response to the petition applicant filed on October 14, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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FISH & RICHARDSON PC
225 FRANKLIN STREET
BOSTON, MA 02110-2804

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MAY 19 2004

OFFICE OF PETITIONS

In re Application of :
Markus Orthey :
Application No. 29/186,168 : DECISION ON PETITION
Filed: July 10, 2003 : UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 02894-60001/72-958-Hfa :

This is a decision on the petition, filed April 6, 2004, which is being treated as a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the petition reached the appropriate official for decision after the patent issued on the above-identified application. The inconvenience caused petitioner in this matter is sincerely regretted.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.**

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Petitioner may request by way of a petition under 37 CFR 1.182 that the 37 CFR 1.53(d) request for a continued prosecution application be converted to a 37 CFR 1.53(b) continuing application in order to have the prior art considered by the examiner. The petition to convert should be directed to the Office of Petitions and must include the filing of a **complete copy** of the prior application, i.e., specification, claims and drawings, plus any amendments filed. Information regarding the filing of a petition to convert may be obtained by calling the undersigned at (703) 305-8680.

Should petitioner choose this course of action, petitioner should include a copy of this decision with the petition under 37 CFR 1.53(e). The examiner is to make all applicable prior art rejections (not just include a statutory double patenting rejection under 35 U.S.C. § 101) based upon the information cited in the IDS, alone or with other information of record, in the resulting application under 37 CFR 1.53(b).

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

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

By hand:[1] 2011 South Clark Place
Crystal Plaza Two, Lobby
Room 1B03
Arlington, VA 22202

By FAX: [2] (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703)305-8680.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] Effective December 1, 2003, the Office of Petitions can no longer directly receive hand-carried correspondence. The centralized location for hand-carried correspondence is the Customer Window now located at the address given.

[2] Effective December 1, 2003, the Office of Petitions can no longer directly receive facsimile transmissions of correspondence.

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Paper No.

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225 FRANKLIN ST
BOSTON MA 02110

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OCT 2 9 2004

OFFICE OF PETITIONS

In re Application of
Markus Orthey
Patent No. D488,439
Issued: April 13, 2004
Application No. 29/186,168
Filed: July 10, 2003
Attorney Docket No.02894-600001/06173-301-420

DECISION GRANTING PETITION

In re Application of
Markus Orthey
Application No. 29/119,575
Filed: April 6, 2004
For: Charger Unit

This is a decision on petition filed July 19, 2004, requesting that a Continued Prosecution Application (CPA) under 37 CFR § 1.53(d) be treated as an application under 37 CFR § 1.53(b) and be accorded a filing date of April 6, 2004.

On December 18, 2003, a Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed in application No. 29/186,168, which set a three (3) month statutory period for reply. On February 19, 2004, applicant paid the issue fee. Thereafter, on April 6, 2004, applicant filed a petition under 37 CFR 1.313(c) to withdraw the application from issue, an Information Disclosure Statement, and a CPA under 37 CFR § 1.53(d) based on prior application No. 29/186,168. Unfortunately, the petition under 37 CFR 1.313(c) was not acted upon prior to application No. 29/186,168 being issued as U.S. Patent No. D488,439 on April 13, 2004.

The Office notes:

> If applicant wants the PTO to disregard a previously filed request for a CPA (and not recognize its inherent request to expressly abandon the prior application) and to treat the paper as the filing of an application under 37 C.F.R. § 1.53(b), the applicant must file a petition under 37 C.F.R. § 1.182. A request to expressly abandon an application is not effective until the abandonment is acknowledged, including the express abandonment of the prior application of a CPA that occurs by operation of 37 C.F.R. § 1.53(d)(2)(v). See Changes to Patent Practice and Procedure; Training and Implementation Guide, Question and Answer 66 (December 1997). The express abandonment of the prior application is acknowledged and becomes effective upon processing and entry of the CPA into the file of the prior application. Thus, such a petition under 37 C.F.R. § 1.182 should be filed expeditiously since the petition will not be granted once the request for a CPA has been entered into the prior application (and the inherent request to expressly abandon the prior application has been acknowledged). If the request for a CPA has been entered into the prior application by the time the petition under 37 C.F.R. § 1.182 and the application file are before the deciding official for a decision on the petition, the petition will be denied.

MPEP 201.06(d).

Since the CPA request has not been entered into the prior application, the request to expressly abandon the prior application has not been acknowledged. Accordingly, the petition is proper and timely filed. It is noted that the CPA request was filed on April 6, 2004, while the prior application was still pending, and was accompanied by the specification, declaration, and drawings.

Applicant requests that the application under 37 CFR 1.53(b) be accorded the filing date of April 6, 2004. Upon review, it appears that the CPA request was received by the Office on April 6, 2004. Therefore, the application under 1.53(b) will be accorded the filing date of April 6, 2004.

Accordingly, the petition is granted.

The continuation application under 37 CFR 1.53(b) filed on April 6, 2004, has been assigned application No. 29/119,575. The copies of the specification, claims, drawings, preliminary amendment, IDS, and the executed declaration have been "closed" in application No. 29/186,168 and have been placed in application No. 29/119,575. A copy of the CPA request and the present petition will be retained in application No. 29/186,168 to complete the record therein. All further correspondence concerning the continuation application under 37 CFR 1.53(b) should be directed to application No. 29/119,575, not application No. 29/186,168.

The Office finance records will be corrected to show that the $340.00 filing fee paid on April 6, 2004, and the $130.00 petition fee paid on July 19, 2004, were paid in application No. 29/119,575, not in application No. 29/186,168.

Application No. 29/119,575 will be forwarded to the Office of Initial Patent Examination for further processing as an application filed under 37 CFR 1.53(b), not under 37 CFR 1.53(d), with the filing date of April 6, 2004, using the copies of the specification, claims, drawings and declaration filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of :
Sergio Lozano :
Serial No.: 29/186,199 : DECISION ON PETITION
Filed: July 11, 2003 :
For: Side Element Of A Shoe Upper :

This is in response to the petition applicant filed on July 11, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of
David Roulo
Serial No.: 29/186,200
Filed: July 11, 2003
For: Side Element Of A Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on July 11, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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OFFICE OF PETITIONS

In re Application of :
Joseph G. Angletta :
Application No. 29/186,211 : DECISION ON PETITION
Filed: 11 July, 2003 :
For: LIQUID AND LOTION :
APPLICATOR :

This is a decision on the petition filed on 21 September, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on 17 May, 2006, for failure to timely file a response to the non-final Office action mailed on 16 February, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 6 September, 2006.

The petition lacks a terminal disclaimer and fee as required by 37 CFR 1.137(c). Effective 8 September, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2]

A copy of the terminal disclaimer form is enclosed for petitioner's use.

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

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

By FAX: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/63

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[2] 65 Fed. Reg. 54,674 (2000).

PTO/SB/63 (09-06)
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Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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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MAR 23 2007

OFFICE OF PETITIONS

In re Application of :
Joseph G. Angeletta :
Application No. 29/186,211 : DECISION ON PETITION
Filed: 11 July, 2003 :
For: LIQUID AND LOTION :
APPLICATOR :

This is a decision on the renewed petition filed on 7 December, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 17 May, 2006, for failure to timely file a response to the non-final Office action mailed on 16 February, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 6 September, 2006. The petition filed on 21 September, 2006, was dismissed on 24 November, 2006.

Receipt of the amendment filed with the petition on 21 September, 2006, is acknowledged.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The terminal disclaimer filed on 7 December, 2006, under 37 CFR 1.137(c) has been entered and made of record. Effective 8 September, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on 7 December, 2006, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is being referred to Technology Center Art Unit 2913 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] 65 Fed. Reg. 54,674 (2000).

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400 Garden City Plaza
Garden City NY 11530

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OFFICE OF PETITIONS

In re Application of :
Angeletta :
Application No. 29/186,213 : ON PETITION
Filed: July 11, 2003 :
Attorney Docket No. 14819dB :
For: LIQUID AND LOTION APPLICATOR

This is a decision on the petition under 37 CFR 1.137(b), filed September 21, 2006 (certificate of mailing date September 18, 2006), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed February 16, 2006, which set an extendable three month period for reply. No extension of time or reply being received in the Office, this application became abandoned on May 17, 2006. A Notice of Abandonment was mailed on September 6, 2006.

A grantable petition pursuant to 37 CFR 1.137(b) 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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless of the period of abandonment in a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer.

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

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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APR 13 2007

OFFICE OF PETITIONS

In re Application of :
Angeletta :
Application No. 29/186,213 : ON PETITION
Filed: July 11, 2003 :
Attorney Docket No. 14819dB :
For: LIQUID AND LOTION APPLICATOR

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed March 8, 2007 (certificate of mailing date March 5, 2007), to revive the above-identified application.

This application became abandoned for failure to timely reply to the non-final Office action, mailed February 16, 2006, which set an extendable three month period for reply. No extension of time or reply being received in the Office, this application became abandoned on May 17, 2006. A Notice of Abandonment was mailed on September 6, 2006.

Applicant has submitted a proper reply in the form of an amendment, an acceptable statement of the unintentional nature of the delay in responding to the February 16, 2006 non-final Office action, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

After the mailing of this decision, the application will be returned to Technology Center A.U. 2913 for consideration of the amendment filed on September 21, 2006 (certificate of mailing date September 18, 2006).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

WILLIAMS MULLEN

Fax Cover Sheet

DATE:	March 8, 2005
TO:	Examiner Robert A. Delehanty
FAX #:	571-273-2650
FROM:	Thomas F. Bergert, Esq.
DIRECT DIAL #:	(703) 760-5237
NUMBER OF PAGES (including coversheet):	2

MESSAGE: RE: U.S. 29/186,221

As discussed, the copy of the PTO's decision granting our petition to withdraw abandonment is attached. Please let us know if there will be any problem with the re-issuance of the Notice of Allowance. Thank you.

IMPORTANT NOTICE: This facsimile transmission is intended to be delivered only to the named addressee, and may contain material that is confidential, proprietary or subject to legal protection or privilege. If it is received by anyone other than the named addressee, the recipient should immediately notify the sender at the address and telephone numbers set forth herein and obtain instructions as to the disposal of the transmitted material. In no event should such material be read or retained by anyone other than the named addressee, except by express authority of the sender or the named addressee.

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THOMAS F BERGERT
WILLIAMS MULLEN PC
SUITE 700
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MCLEAN, VA 22102

In re Application of
Joseph Battiston
Serial No.: 29/186,221
Filed: July 11, 2003
Attorney Docket No.: 007846.0019

: PETITION DECISION

This is in response to applicant's Petition to Withhold Abandonment under 37 CFR 1.181, filed November 19, 2004, due to non-receipt of the Office action.

A review of the file history shows that a Notice of Allowance was mailed June 25, 2004, setting a three month statutory period to pay the Issue fee. As no response was submitted by September 27, 2004, a Notice of Abandonment was mailed on November 2, 2004; this petition followed.

Applicant has stated that he never received a copy of the Notice of Allowance, and has submitted sufficient dockets records which prove non-receipt of the Office action. Therefore, the Notice of Abandonment will be rescinded and the case will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance action in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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SUITE 105
ALEXANDRIA VA 22314

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MAY 31 2007

OFFICE OF PETITIONS

In re Application of :
GOMEZ, REMY :
Application No. 29/186,237 : ON PETITION
Filed: 07/14/2003 :
Attorney Docket No. 03085D :

This is a decision on the petition under 37 CFR 1.181, filed February 8, 2007, requesting that the United States Patent and Trademark Office (Office) withdraw the holding of abandonment in the above-identified application.

On June 28, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as September 28, 2005. In the absence of the timely payment of the issue fee, the application became abandoned on September 29, 2005. On April 6, 2006, the Office mailed a Notice of Abandonment. On February 8, 2007, petitioner filed the present petition under 37 CFR 1.181.

The petition is **DISMISSED**.

The Office notes:

> In any design application, any utility application filed before June 8, 1995, or any plant application filed before June 8, 1995, if applicant never receives the notice of abandonment, any petition to withdraw the holding of abandonment that is not filed within twelve months from the date of applicant's filing (or date of submission, if the correspondence was never received by the Office) of correspondence with the Office for which further action by the Office can reasonably be expected, will **not** (absent extraordinary circumstances) be treated on its merit **unless** accompanied by a terminal disclaimer under 37 CFR 1.321(a), and the required fee set forth in 37 CFR 1.20(d). The period to be disclaimed is the terminal part of the term of any patent granted thereon, or of any patent granted on any utility or plant application that claims the benefit of the filing date of the application under 35 U.S.C. 120, 121, or 365(c), equivalent to the period between:

(A) the date that is twelve months from the date of applicant's filing or submission of correspondence with the Office, for which further action by the Office can reasonably be expected; and

(B) the filing date of a grantable petition to withdraw the holding of abandonment. Form PTO/SB/62 is the appropriate terminal disclaimer to be used.

MPEP 711.03(c)(I)(C)(1)(b).

Accordingly, the Office of Petitions lacks the discretion to, and will not, address the merits of the petition to withdraw the holding of abandoned in the absence of a terminal disclaimer under 37 CFR 1.321(a) and the required fee set forth in 37 CFR 1.20(d). A request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

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

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

By FAX: (571) 273-8300
Attn: Office of Petitions

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

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
GOMEZ, REMY :
Application No. 29/186,237 : ON PETITION
Filed: 07/14/2003 :
Attorney Docket No. 03085D :

This is a decision on the renewed petition under 37 CFR 1.181, filed June 4, 2007, requesting that the United States Patent and Trademark Office (Office) withdraw the holding of abandonment in the above-identified application.

On June 28, 2005, the Office mailed a Notice of Allowance and Fee(s) Due, which indicated the due date for payment of the issue fee as September 28, 2005. In the absence of the timely payment of the issue fee, the application became abandoned on September 29, 2005. On April 6, 2006, the Office mailed a Notice of Abandonment.

Petitioner asserted that he did not receive the Notice of Allowance because the USPTO erroneously mailed the Notice to an incorrect correspondence address. Petitioner stated that the declaration on filing indicated that the application was associated with Customer No. 23338. Petitioner asserted that in December 2003, the practitioner filed a request to change the address associated with 23338; however, it appeared that the change was not made in the record of this application. Accordingly, petitioner requested that the Office withdraw the holding of abandonment due to non-receipt, re-mail the Notice of Allowance, and restart the period for reply.

A review of the record indicates that the Office did not associate the application with Customer No. 23338. Therefore, the Office mailed the Notice of Allowance to an incorrect correspondence address. The address has been corrected. Additionally, the Office acknowledges receipt of the terminal disclaimer and fee submitted with this petition. The terminal disclaimer has been made of record.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is necessary.

Technology Center Art Unit 2912 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new Notice of Allowance. The three (3)

month statutory time period for responding to the Notice of Allowance will be set to run from the mailing date of the new Notice of Allowance.

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

C.T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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ALLENTOWN PA 18104

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AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of
Franco Lodato et al.
Application No. 29/186,294
Filed: July 14, 2003
Attorney Docket No. MOTT-CE11585JME

DECISION ON PETITION

This is a decision on the paper filed March 18, 2004 and styled "Petition for review of refusal to accord a filing date", which is treated under 37 CFR 1.53.

Application papers in the above-identified application were filed on July 14, 2003. However, on February 10. 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application had not been accorded a filing date because a complete specification as prescribed by 35 U.S.C. 112 was missing and that the application was deposited without drawings.

In response to the Notice mailed February 10, 2004, petitioner properly proffered a copy of a date stamped return receipt which corroborated petitioners assertion that the application had been filed with a two (2) page specification, (at least one claim was included in the proffered specification). Copies of the complete application papers filed on July 14, 2003 were filed with the petition, which included a complete specification (two pages) thus satisfying the requirements as set out in the Notice mailed February 10, 2004 and thus completing the application.

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

Given the basis for granting the petition, the petition fee in the amount of $130.00 will be refunded as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of July 14, 2003, using the application papers received in the Office on that date and the specification (2 pages) resubmitted on petition. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : 9/29/05

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D503696

A response is requested with respect to the accompanying request for a certificate of correction

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor shou scope or meaning of the claims be changed. Please make a decision to the drawings submitted by Attorney.

Henry Randall
Certificates of Correction Bran

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not appl
- ☐ Denied — State the reasons for denial below.

Comments:

Figures 1-3 from 7-13-04 should have been used along w/ Figs. 4-7 of 12-17-04. In the patent, the drawings are inconsistent because the antenna is in solid lines in Figs. 1-3. The office incorrectly used Figs. 1-3 from 7-14-03 (the original views), and not Figs. 1-3 from the amended views of 7/13/04, as should have been used.

Caron Vierra
SPE

2913
Art U

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Tra

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DESIGN IP-DEPT. MOT
5000 W. TILGHMAN STREET
SUITE 153
ALLENTOWN PA 18104

COPY MAILED

DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Franco Lodato et al :
Application No. 29/186,296 : ON PETITION
Filed: July 14, 2003 :
Attorney Docket No. MOT-CE11637JME :

This is a decision on the petition, filed November 18, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on July 21, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 18, 2004.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application will be referred to Technology Center AU 2913 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

DO NOT SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-8-06

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/186,296 Patent No.: D504670 S

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

E. Jones

Certificates of Correction Branch

703-308-9390 ext. _____

Drawings

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	All changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

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JAN 31 2005

JEAN KYLE
SALIWANCHIK, LLOYD & SALIWANCHIK, PC
P.O. BOX 2274
HAMILTON, MT 59840-4274

In re Application of
Kirk Timmer
Serial No.: 29/186,407
Filed: July 14, 2003
Attorney Docket No.: KEL-DP1

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 29, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed May 17, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was submitted July 9, 2004; however, as no formal drawings were received by August 17, 2004, a Notice of Abandonment was mailed September 30, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 19-0065, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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NOV 18 2004

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DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.
THE FINANCIAL CENTER
666 WALNUT STREET
SUITE 2500
DES MOINES, IA 50309-3993

In re Application of	:
Robert McCracken	:
Serial No.: 29/186,417	: PETITION DECISION
Filed: July 15, 2003	:
Attorney Docket No.: 8594560/69440	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted August 19, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed March 11, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. Applicant submitted the issue fee on June 8, 2004; however, as the formal drawings were not submitted by June 11, 2004, a Notice of Abandonment was mailed August 4, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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RANKIN, HILL, PORTER & CLARK
700 HUNTINGTON BUILDING
925 EUCLID AVENUE, SUITE 700
CLEVELAND, OH 44115-1405

MAR 25 2005

In re Application of
Tetsuro Itami
Serial No.: 29/186,423
Filed: July 15, 2003
Attorney Docket No.: NIS-14918

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received July 27, 2004, to revive an unintentionally abandoned application. The extreme delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 11, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by May 11, 2004, a Notice of Abandonment was mailed to applicant July 13, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for filing a terminal disclaimer has been waived, as the Petition was filed within one months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 18-0160, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of :
Carl Blakeslee :
Serial No.: 29/186,429 : DECISION ON PETITION
Filed: July 15, 2003 :
For: Side Element Of A Shoe Upper :

This is in response to the petition applicant filed on July 15, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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STRAUB & POKOTYLO
620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS NJ 07724

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FEB 0 1 2007

OFFICE OF PETITIONS

In re Application of :
Farrell :
Application No. 29/186,497 : ON PETITION
Filed: July 16, 2003 :
Attorney Docket No. Farrell-2 :
For: A NOVELTY CONTAINER

This is a decision on the petition under 37 CFR 1.137(b), filed September 11, 2006 (certificate of mailing date September 6, 2006), to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed April 14, 2006, which set a three month period for reply. This application became abandoned on July 15, 2006. A Notice of Abandonment was mailed on August 24, 2006.

A grantable petition pursuant to 37 CFR 1.137(b) 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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless of the period of abandonment in a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer.

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

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

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

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

Telephone inquiries concerning this decision 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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620 TINTON AVENUE
BLDG. B, 2ND FLOOR
TINTON FALLS NJ 07724

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FEB 19 2008

OFFICE OF PETITIONS

In re Application of :
Farrell :
Application No. 29/186,497 : ON PETITION
Filed: July 16, 2003 :
Attorney Docket No. Farrell-2 :
For: A NOVELTY CONTAINER

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 28, 2007 (certificate of mailing date March 21, 2007), to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed April 14, 2006, which set a three month period for reply. This application became abandoned on July 15, 2006. A Notice of Abandonment was mailed on August 24, 2006.

Applicant has submitted a proper reply in the form of corrected drawings, a proper statement of the unintentional nature of the delay in responding to the April 14, 2006 Notice of Allowance and Fee(s) Due, a terminal disclaimer and required fee, and the petition fee.

Pursuant to petitioner's authorization, deposit account no. 50-1049 will be charged a $65.00 statutory disclaimer fee.

This application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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FEB 1 2005

LEON I. EDELSON, ESQ.
LEVENFELD PEARLSTEIN
P.O. BOX 0212
CHICAGO, IL 60690-0212

In re Application of
Qinghao Young :
Serial No.: 29/186,534 :
Filed: July 16, 2003 : PETITION DECISION
Attorney Docket No.: 33452-53146 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 12, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed May 3, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was submitted July 20, 2004; however, as no formal drawings were received by August 3, 2004, a Notice of Abandonment was mailed September 30, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Alexandria, VA 22313-1450
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NOV 18 2004

JOSEPH R. LANSER
SEYFARTH SHAW
42ND FLOOR
55 EAST MONROE STREET
CHICAGO, IL 60603-5803

In re Application of	:
John Byron King	:
Serial No.: 29/186,558	: PETITION DECISION
Filed: July 17, 2003	:
Attorney Docket No.: 400100	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted July 12, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed April 1, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. Applicant submitted the formal drawings on June 7, 2004; however, as the issue fee was not submitted by July 1, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 12 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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JOSEPH R. LANSER
SEYFARTH SHAW
42ND FLOOR
55 EAST MONROE STREET
CHICAGO, IL 60603-5803

In re Application of
John Byron King :
Serial No.: 29/186,558 :
Filed: July 17, 2003 : PETITION DECISION
Attorney Docket No.: 400100 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted July 12, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed April 1, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. Applicant submitted the formal drawings on June 7, 2004; however, as the issue fee was not submitted by July 1, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of
Aaron Cooper
Serial No.: 29/186,564
Filed: July 15, 2003
For: Side Element Of A Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on July 15, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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CHING-CHUAN YOU
P.O. BOX 1-79
TAIPEI 100
TAIWAN, R.O.C.

6/24/05

In re Application of
Ching-Chuan You :
Serial No.: 29/186,586 :
Filed: July 21, 2003 : PETITION DECISION
Attorney Docket No.: 124-050USD :
:

This is in response to applicants letter regarding the abandonment of the application received December 22, 2004, which is being treated as a Petition filed under 37 CFR 1.181.

Applicant is advised that a formal Change of Address form should be submitted to the Office.

The petition is **DISMISSED**.

A review of the file history shows that the Examiner mailed a Notice of Allowance to applicant on June 14, 2004, setting a three-month shortened statutory period for response. A Notice of Abandonment was mailed to applicant on November 3, 2004, as no reply was received. Applicant has stated that he did not receive any correspondence from the Patent Office. Applicant has provided a statement that no letter was received from the Office to the Administration Center of his office building; however, no proof of non-receipt has been submitted.

M.P.E.P. 711.03(c) gives appropriate guidance as to how to proceed when an Office action is not received. To establish non-receipt of an Office action, applicant must include a statement, attesting to the fact that applicant did not receive the communication, the showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). Evidence of non-receipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was

required to avoid abandonment would not warrant withdrawal of the holding of abandonment.

Since applicant is not an attorney, applicant should submit of verified statement and any additional evidence which would show that applicant did not in fact receive the communication from the Office. The statement and evidence should address the following questions: Where and how does applicant receive mail? How is the mail distributed? Does anyone else have access to or open the mail? Are there other incidents of lost or undelivered mail?

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should applicant be certain of the non-receipt of the Office action, a petition under 37 CFR 1.181 may be submitted, however the petition **would require proof of non-receipt** of the Office Action, as stated above.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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BRUCE H. TROXELL
TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VA 22041

COPY MAILED

MAR 2 1 2006

OFFICE OF PETITIONS

In re Application of :
YOU :
Application No. 29/186,586 : ON PETITION
Filed: July 21, 2003 :
Attorney Docket No. 3088-152 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 6, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed June 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks above item (4).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

Denise Pothier
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

BRUCE H. TROXELL
TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH, VA 22041

COPY MAILED
JUL 14 2006
OFFICE OF PETITIONS

In re Application of :
YOU :
Application No. 29/186,586 : ON PETITION
Filed: July 21, 2003 :
Attorney Docket No. 3088-152 :

This is a decision on a renewed petition under 37 CFR 1.137(b), filed June 21, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed June 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks above item (4).

A terminal disclaimer was submitted with the renewed petition but the period being disclaimed is not a terminal part of the patent to be granted equivalent to the period of abandonment. See 37 CFR 1.137(d). The period of abandonment appears to be 645 not 625 days. Please note that a form (PTO/SB/63) complying with the provisions of 37 CFR 1.137(d) may be found on the Office's website (www.uspto.gov).

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

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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NOV 09 2006

OFFICE OF PETITIONS

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
FALLS CHURCH VA 22041

In re Application of :
YOU :
Application No. 29/186,586 :
Filed: July 21, 2003 :
Attorney Docket No. 3088/152 :

DECISION
ON PETITION

This is a decision on a renewed petition under 37 CFR 1.137(b), filed September 1, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed June 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee of $750; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and its requisite fee as required by 37 CFR 1.137(d) have been received. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct 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 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

A terminal disclaimer fee of $65 will be credited to petitioner's deposit account, 50-1874, because petitioner was charged twice.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-4787.

The application matter is referred to the Office of Patent Publication.

Denise Pothier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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OCT 15 2003

OFFICE OF PETITIONS

In re Application of :
Toshitada Fukai :
Application No. 29/186,599 : NOTICE
Filed: July 21, 2003 :
Attorney Docket No. 4671-0101P :

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 the Office of Petitions Staff at (703) 305-9285.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of
Kenneth Link
Serial No.: 29/186,608
Filed: July 17, 2003
For: Side Element Of A Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on July 17, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAR 29 2005

In re Application of
Kenneth Link :
Serial No.: 29/186,609 :
Filed: July 17, 2003 : PETITION DECISION
Attorney Docket No.: 2465-6000US :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on December 23, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 30, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was paid August 9, 2004; however, as no formal drawings were received by November 1, 2004, a Notice of Abandonment was mailed to applicant December 14, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for filing a terminal disclaimer has been waived, as the Petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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ALEXANDRIA, VA 22313-1450
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BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

APR 18 2005

In re Application of
Derek Schweikarth
Serial No.: 29/186,625
Filed: July 18, 2003
Attorney Docket No.: KIM0562-01

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Abandonment, which is being treated as a Petition under 37 CFR 1.181, filed October 22, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

Applicant's petition is **GRANTED**.

A review of the application shows that the Office mailed an Office action to applicant on March 4, 2004, setting a three month shortened statutory period to respond. As no response was received by June 4, 2004, a Notice of Abandonment was mailed October 18, 2004; this petition followed.

Applicant has submitted a copy of the response, with a Certificate of Mailing date of March 17, 2004, and Post Card Receipt with the Patent Office stamped date of March 22, 2004. Therefore, as the response was timely submitted, the case will be returned to pending status.

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone
Jacqueline Stone
Director, Technology Center 1700/2900

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

Timothy J. Klima Esq.
Harbin King & Klima
500 Ninth Street SE
Washington DC 20003

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JAN 0 4 2008

OFFICE OF PETITIONS

In re Patent No.	:	
D501408	:	
Application No. 29/186,680	:	DECISION GRANTING PETITION
Filing Date: July 22, 2003	:	
Issue Date: February 1, 2005	:	
Attorney Docket No. 25454/0421	:	

This is a decision on the petition under 37 CFR 1.182, filed December 10, 2007, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the above-cited application matured into U.S. Patent No. D501408 on February 1, 2005. Petitioner contends, however, that the patent was received but lost thereafter.

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was lost after receipt. The Office of Patent Publications is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Krystal Paige at (703)308-9250.

A copy of this decision is being forwarded to the Office of Patent Publications for issuance of a duplicate Letter of Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD, Crystal Park 3-910 (Fax 571-270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 08 2004

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

PAUL F. DONOVAN
ILLINOIS TOOL WOKDS INC.
3600 WEST LAKE AVENUE
GLENVIEW, IL 60025

In re Application of	:
Daniel Graves	:
Serial No.: 29/186,698	: PETITION DECISION
Filed: July 21, 2003	:
Attorney Docket No.: 14157-10	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted July 21, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 20, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by July 20, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Terminal Disclaimer fee of $110.00 will be refunded to applicant's Deposit Account 09-0025 as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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

MCCARTER & ENGLISH
100 MULBERRY STREET
FOUR GATEWAY CENTER
NEWARK, NJ 07102

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JUL 19 2006

OFFICE OF PETITIONS

In re Application of :
Gennadi I. Fedorov :
Application No. 29/186,752 : ON PETITION
Filed: July 22, 2003 :
Attorney Docket No. ROS0003/036D :

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 18, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 19, 2005.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on February 27, 2006.

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

This matter is being referred to Technology Center AU 2911 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PERRY J. SAIDMAN, ESQ.
SAIDMAN DESIGNLAW GROUP
SUITE 510
1110 BONIFANT STREET
SILVER SPRING MD 20910

COPY MAILED

OCT 2 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Youichi Fujiwara	:	
Application No. 29/186,754	:	DECISION DISMISSING
Filed: 22 July, 2003	:	PETITION
Atty's Docket No. 1673.014	:	

This is a decision on the petition filed on 17 September, 2003, to accord the above-identified application a filing date of 22 July, 2003, with Figures 10 and 11 contained in the priority document as a part of the original disclosure.

The petition is **DISMISSED**.

On 22 July, 2003, the application was filed. On 15 September, 2003, however, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of 22 July, 2003, but that Figures 10 and 11 described in the specification appeared to have been omitted from the application. A two (2)-month period for reply was set.

In response, on 17 September, 2003, the present petition was filed, accompanied by two (2) sheets of drawings containing Figures 10 and 11. Petitioner argues that Figures 10 and 11 were filed with the other application papers deposited in the USPTO on 14 November, 2002.

A review of the record reveals that nine sheets of drawings containing Figures 1-9 are located in the application file. Figures 10 and 11, however, cannot be located among the application papers deposited on 22 July, 2003.

Petitioner further asserts that Figures 10 and 11 were located in the foreign priority document filed concurrently with the original application papers. A review of the Japanese priority document submitted on 22 July, 2003, reveals that it does include 11 drawing figures. However, the two sheets of drawings filed on 17 September, 2003, do not appear to be identical to the figures containing in the Japanese priority document filed on 22 July, 2003.

The petition is therefore dismissed. This dismissal is without prejudice to reconsideration, however, pending submission of a copy of the original Figures 10 and 11 from the Japanese priority document filed with the original application papers for processing as the original disclosure.

Petitioner's reply should be filed within **TWO (2) MONTHS** of the mailing date of this decision in order to be considered timely.

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

By FAX: (703)308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

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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PERRY J. SAIDMAN, ESQ.
SAIDMAN DESIGNLAW GROUP
SUITE 510
1110 BONIFANT STREET
SILVER SPRING MD 20910

COPY MAILED
JAN 3 0 2004
OFFICE OF PETITIONS

In re Application of	:	
Youichi Fujiwara	:	
Application No. 29/186,754	:	DECISION DISMISSING
Filed: 22 July, 2003	:	PETITION AS MOOT
Atty's Docket No. 1673.014	:	

This is a decision on the renewed petition filed on 19 December, 2003, to accord the above-identified application a filing date of 22 July, 2003, with Figures 10 and 11 contained in the priority document as a part of the original disclosure.

The petition is **DISMISSED AS MOOT**.

On 22 July, 2003, the application was filed. On 15 September, 2003, however, Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" stating that the application had been accorded a filing date of 22 July, 2003, but that Figures 10 and 11 described in the specification appeared to have been omitted from the application. A two (2)-month period for reply was set. The petition filed on 17 September, 2003, was dismissed on 20 October, 2003, because petitioners had not supplied a copy of Figures 10 and 11 as filed in the foreign priority document present with the filing of the application.

The petition states that applicant no longer wishes to include Figures 10 and 11 in the application, and has submitted an amendment with the petition, *inter alia*, deleting the references to Figures 10 and 11.

As petitioner no longer asserts that Figures 10 and 11 are a part of the application as filed, the petition is dismissed as involving a moot issue.

The application is being forwarded to Technology Center 2900 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Morland C. Fischer
Suite 1050
2030 Main Street
Irvine CA 92614

FEB 12 2005

In re Application of
Alan L. True
Serial No.: 29/186,785
Filed: July 23, 2003
Attorney Docket No.: TSC-108

: PETITION DECISION

This is in response to applicant's Petition to Withhold Abandonment under 37 CFR 1.181, submitted June 29, 2004, due to non-receipt of the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice of Allowance was mailed January 30, 2004, setting a three month statutory period to pay the Issue fee. As no response was submitted by April 30, 2004, a Notice of Abandonment was mailed June 24, 2004. This petition followed.

Applicant has stated that the Notice of Allowance was never received, and has submitted sufficient dockets records which prove non-receipt of the Office action. Therefore, the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance action in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

JACQUELINE M. STONE
DIRECTOR
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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/186,787	07/18/2003	2913	165	SandsThinSpokes	1	1	1

CONFIRMATION NO. 6202

002655
DAVID PRESSMAN, ESQ.
1070 GREEN STREET
1402
SAN FRANCISCO, CA 941335418

CORRECTED FILING RECEIPT

OC000000011775661

Date Mailed: 01/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Perry Sands, La Palma, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Wheel with thin spokes

Preliminary Class

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/186,788	07/18/2003	2913	165	SANDSSCULPTEDLSPOKES	1	1	1

CONFIRMATION NO. 6199

CORRECTED FILING RECEIPT

OC000000011775689

002655
DAVID PRESSMAN, ESQ.
1070 GREEN STREET
1402
SAN FRANCISCO, CA 941335418

Date Mailed: 01/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Perry Sands, La Palma, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

WHEEL WITH FLARING AND SCULPTED SPOKES

Preliminary Class

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

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

JUL 16 2004

ROBERT SAMUEL SMITH
1263 EMORY STREET
SAN JOSE, CA 95126

In re Application of	:
Helmut R. Elze	:
Serial No.: 29/186,794	: PETITION DECISION
Filed: July 21, 2003	:
Attorney Docket No.: RSOE7	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received May 26, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed December 19, 2003, which set a three-month statutory period to pay the issue fee. As no response was received by March 19, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/186,802	07/18/2003	2913	165	SandsDualSpokes	1	1	1

CONFIRMATION NO. 6154

002655
DAVID PRESSMAN, ESQ.
1070 GREEN STREET
1402
SAN FRANCISCO, CA 941335418

CORRECTED FILING RECEIPT

OC000000011775722

Date Mailed: 01/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Perry Sands, La Palma, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Wheel with spokes having dual and diverging legs

Preliminary Class

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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BIOMERIEUX INC.
PATENT DEPARTMENT
100 RODOLPHE STREET
DURHAM, NC 27712

APR 18 2005

In re Application of
Mark Fanning
Serial No.: 29/186,915
Filed: July 24, 2003
Attorney Docket No.: 01041

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 9, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed June 21, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted September 7, 2004; however, as no formal drawings were received by September 21, 2004, a Notice of Abandonment was mailed January 20, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
29/186,946	**27-Oct-03**	**ISIDORE STRAUSS**	**1176-004D**

Title: VENT STRIP FOR SAFETY HELMET

Art Unit	Paper Number

Correspondence Address:
MATT KASAP
2001 JEFFERSON DAVIS HWY
SUITE 212
ARLINGTON, VIRGINIA 22202

PATENT & TRADEMARK OFFICE
MAILED
MAR 25 2004
LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the Petition for Retroactive License under 37 CFR 5.25.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Andrew D. Dorisio
KING & SCHICKLI, PLLC
247 North Broadway
Lexington, Kentucky 40507

In re:	Isidore Strauss	:	DECISION ON REQUEST
Serial No.:	29/186,946	:	UNDER 37 CFR 5.25
Filing date:	24 July 2003		
Docket No:	1176-004D		

Title: VENT STRIP FOR SAFETY HELMET

This is a decision on the petition filed on 27 October 2003 for a retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
   i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
   ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
   iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(3)(iii) have not been met.

Applicant has not provided a verified oath or declaration. Also, a verified statement must clearly explain why the material was filed abroad through error and without deceptive intent and must be provided from the person authorized to decide where to initially file the application; in other words, the person that was responsible for filing of the foreign application.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

Andrea M. Valenti

Andrea M. Valenti
Patent Examiner
Group 3643
(703) 305-3010

05 February 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Andrew D. Dorisio
KING & SCHICKLI, PLLC
247 North Broadway
Lexington, Kentucky 40507

In re:	Isidore Strauss	:	DECISION ON REQUEST
Serial No.:	29/186,947	:	UNDER 37 CFR 5.25
Filing date:	24 July 2003		
Docket No:	1176-003D		

Title: SAFETY HELMET

This is a decision on the petition filed on 27 October 2003 for a retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
   i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
   ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
   iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(3)(iii) have not been met.

Applicant has not provided a verified oath or declaration. Also, a verified statement must clearly explain why the material was filed abroad through error and without deceptive intent and must be provided from the person authorized to decide where to initially file the application; in other words, the person that was responsible for filing of the foreign application.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and

in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

Andrea M. Valenti

Andrea M. Valenti
Patent Examiner
Group 3643
(703) 305-3010

05 February 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Andrew D. Dorisio
KING & SCHICKLI, PLLC
247 North Broadway
Lexington, Kentucky 40507

In re:	Isidore Strauss	:	DECISION ON REQUEST
Serial No.:	29/186,947	:	UNDER 37 CFR 5.25
Filing date:	24 July 2003		
Docket No:	1176-003D		

Title: SAFETY HELMET

In view of the communication(s) filed 28 May 2004 it has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 first having been obtained through error and without deceptive intent.

Country	Date
Canada	22 September 2003

Approved:

Andrea M. Valenti

Andrea M. Valenti
Patent Examiner
Group 3643
(703) 305-3010

09 June 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL J. MAGINOT
MAGINOT, MOORE & BECK LLP
BANK ONE TOWER/CENTER
111 MONUMENT CIRCLE, SUITE 3000
INDIANAPOLIS, IL 46204-5115

COPY MAILED

JAN 23 2007

OFFICE OF PETITIONS

In re Application of Frampton :
Application No. 29/187,008 : Decision on Petition
Filing Date: July 25, 2003 :
Attorney Docket No. 1904-0099 :

This is a decision on the petition filed October 20, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Facts:

The application was filed July 25, 2003.

On April 26, 2004, petitioner filed:
(1) a cover page,
(2) a "REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS", and
(3) a page listing 17 application numbers.

A brief review of the applications on the list fails to indicate the Revocation was entered for any of the applications listed.

A Notice of Allowance and Notice of Allowability were mailed to the address of record on June 28, 2005.

The Notice of Allowance set a statutory period of three (3) months for applicant to pay the issue fee.

The issue fee was not timely paid and the application became abandoned on September 29, 2005.

A Notice of Abandonment was mailed January 25, 2006.

The law firm of record forwarded the Notice of Abandonment to petitioner.

Discussion:

Petitioner contends the application is not abandoned because the Notices mailed June 28, 2005, were mailed to an incorrect mailing address.

In order for the petition to be granted, petitioner must prove the Revocation paper filed April 26, 2004, constituted a proper request to change the address of record.

MPEP 601.03 states,

> Unless the correspondence address is designated as the address associated with a Customer Number, a separate notification must be filed in each application for which a person is intended to receive communications from the Office. See MPEP § 403 for Customer Number Practice.

Petitioner failed to file a change of address in each of the 17 applications. Neither the cover page nor the Revocation listed a single, specific application number. Instead, the Revocation stated it applied to all the applications identified in the attachment.

The PTO was under no obligation to make copies of the papers for each and every application number listed on the attached page.

Since a copy of the Revocation papers was not filed in each application, the papers were improper. Petitioner has not proven the Office acted incorrectly when it failed to enter the Revocation papers.

For the reasons above, the holding of abandonment will not be withdrawn.

Since a copy of the Revocation papers have been in the instant application as part of the petition, the Office has revoked the prior power of attorney, entered the new power of attorney, and changed the address of record.

A fee is unnecessary for a petition to withdraw the holding of abandonment. Therefore, the Office has scheduled a refund of the $130 filed with the instant petition.

A copy of all papers mailed June 28, 2005, is attached.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (the issue fee of $400), the required petition fee ($750 for a small entity), a terminal disclaimer, and 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 37 CFR 1.137(b) was unintentional. A copy of a blank petition form and blank terminal disclaimer form are attached for petitioner's convenience.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision.

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 facsimile: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Copy of all papers mailed June 28, 2005
Form PTO/SB/64 (Revival under 37 CFR 1.137(b))
Form PTO/SB/63 (Terminal disclaimer)

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

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/28/2005

Michael A. Myers
Bingham McHale LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204

EXAMINER	
LICHTENSTEIN, LISA P	
ART UNIT	**PAPER NUMBER**
2911	

DATE MAILED: 06/28/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/187,008	07/25/2003	Thomas C. Frampton	2171-43148	2711

TITLE OF INVENTION: LATTICE MOTOR HOUSING FOR A CEILING FAN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	09/28/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 06/28/2005

Michael A. Myers
Bingham McHale LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/187,008	07/25/2003	Thomas C. Frampton	2171-43148	2711

TITLE OF INVENTION: LATTICE MOTOR HOUSING FOR A CEILING FAN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	09/28/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LICHTENSTEIN, LISA P	2911	D23-411000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):
- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/187,008	07/25/2003	Thomas C. Frampton	2171-43148	2711

7590 06/28/2005

Michael A. Myers
Bingham McHale LLP
2700 Market Tower
10 West Market Street
Indianapolis, IN 46204

EXAMINER	
LICHTENSTEIN, LISA P	
ART UNIT	**PAPER NUMBER**
2911	

DATE MAILED: 06/28/2005

Determination of Patent Term Extension or Adjustment under 35 U.S.C. 154 (b)

Design patents have a term measured from the issue date of the patent and the term remains the same length regardless of the time that the application for the design patent was pending. Since the above-identified application is an application for a design patent, the patent is not eligible for Patent Term Extension or Adjustment under 35 U.S.C. 154(b).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	29/187,008	FRAMPTON, THOMAS C.	
	Examiner	Art Unit	
	Lisa P Lichtenstein	2911	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.

2. ☒ The allowed claim(s) is/are *1*.

3. ☒ The drawings filed on *25 July 2003* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7-25-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The preliminary amendment is acknowledged.

For accuracy, the title should be amended throughout the application, original oath or declaration excepted, to read: --LATTICE MOTOR HOUSING FOR A CEILING FAN--.

The first paragraph beginning "This application..." and ending "...filed application" has been amended by inserting --,now Patent No.D478,981-- after "...June 13,2002" and before "claims the benefit ...".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa P Lichtenstein whose telephone number is 571-272-2606. The examiner can normally be reached on Monday-Friday from 9:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Douglas, can be reached on 571-272-2588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa P Lichtenstein

Primary Examiner

Art Unit 2911

Notice of References Cited	Application/Control No. 29/187,008	Applicant(s)/Patent Under Reexamination FRAMPTON, THOMAS C.	
	Examiner Lisa P Lichtenstein	Art Unit 2911	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-D478,981	08-2003	Frampton, Thomas C.	D23/411
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PTO/SB/08A (04-03)
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	July 25, 2003
First Named Inventor	Thomas C. Frampton
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	2171-43148

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US D403,061	12-1998	Jasper-Fayer et al.	D23/377
		US D408,074	04-1999	Tai, Jen-Lung David	D23/377
		US D426,879	06-2000	Gajewski, Mark	D23/377
		US D133,120	07-1942	Spear	D23/377
		US 2,079,044	05-04-1937	Santmyer	— —
		US 4,132,360	01-02-1979	Lee, Jr.	
		US 5,439,352	08-08-1995	Line	
		US 313,467-s	01-01-1991	Frampton	
		US 438,950-s	03-13-2001	Frampton	
		US 443,926-s	06-19-2001	Frampton	
		US 6,247,894B1	06-19-2001	Moody	
		US 5,292,228	03-08-1994	Dye	
		US 6,019,577	02-01-2000	Dye	
		US 5,195,870	03-23-1993	Liu	
		US 5,672,002	09-30-1997	Todd, Jr.	
		US 5,528,469	06-18-1996	Todd, Jr.	
		US 4,342,073	07-27-1982	Ranten	
		US 6,213,617B1	4-10-01	Barker	
		US 5,440,459	08-08-1995	Chan	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	6-22-05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 4

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	July 25, 2003
First Named Inventor	Thomas C. Frampton
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	2171-43148

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
M		US- D373,629	09-10-1996	Chan	— —
		US- D376,008	11-26-1996	Chan	
		US- D344,794	03-01-1994	Galler	
		US- D435,094	12-12-2000	Bucher	
		US- D410,100	05-18-1999	Jasper-Fayer	
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3]-Number[4]-Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature	Lisa Lichtenstein	Date Considered	6-22-05

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 4

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	July 25, 2003
First Named Inventor	Thomas C. Frampton
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	2171-43148

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T[2]
		Clem Labine's TRADITIONAL BUILDING, "A Fan-tastic Ceiling Accessory," magazine article, Nov/Dec 1997, USA	
		ARCHITECTURAL ANTIQUES - Andy Thornton, "Fan Systems," Catalog No. 12, First Edition, March 1994, USA	
		AMERICAN HOMESTYLE & GARDENING, "The Islander Fan," magazine article, Aug/Septl 1995, USA	
		FANIMATION, "The Islander," promotional piece, date unknown, USA	
		FANIMATION, "The Palisade," promotional piece, date unknown, USA	
		WINNOWER FAN CO. INC., advertising brochure, p. 20, CEILING FAN A (received 3/86)	
		Fanimation, "Unique Ceiling, Wall & Floor Mounted Fans," catalog, January 2000, USA	
		Emerson, "Ceiling Fans Research & Development" catalog, January 2001, USA	
		"Hampton Bay," promotional piece, date unkonwn, USA	
		THE BEACON, "Neon is a gas: local firm produces signs, architectural lighting," Newspaper Article, August 1998, USA	
		NICOR WEBSITE: www.nicorlighting.com, July 5, 2002, various ceiling fan photographs	

Examiner Signature		Date Considered	6-22-06

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08B (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 4 of 4

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	July 25, 2003
First Named Inventor	Thomas C. Frampton
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	2171-43148

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
M		REGENCY CEILING FANS, "Tropic Air" promotional piece brochure, Copyright 2001, USA	
		FURNITURE STYLE, 'Tahitian Ceiling Fan," magainze article CONCORD product advertisement, December 2001, USA	-
		HOME LIGHTING & ACCESSORIES, "Vintage Crown Collection," magainze article, CONCORD product advertisement, December 2001, USA	
		Fanimation, "Unique Ceiling, Wall & Floor Fans," catalog, January 2002, USA	
		The Fan Collector Magazine, Vol. 16, No. 3, June 2003	

Examiner Signature	L Lubtenstein	Date Considered	6-22-05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/64 (09-06)
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: 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. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

PTO/SB/63 (09-06)
Approved for use through 03/31/2007. 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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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:

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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 individuals.
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 inspection 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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INDIANAPOLIS, IN 46204

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of Frampton :
Application No. 29/187,008 : Decision on Petition
Filing Date: July 25, 2003 :
Attorney Docket No. 1904-0099 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 23, 2007, to revive the above-identified application.

The petition is **granted**.

A Notice of Allowance and Notice of Allowability were mailed to the address of record on June 28, 2005. The Notice of Allowance set a statutory period of three (3) months for applicant to pay the issue fee. The issue fee was not timely paid and the application became abandoned on September 29, 2005. A Notice of Abandonment was mailed January 25, 2006.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $750. Petitioner has submitted a reply to the Notice of Allowance in the form of the $400 issue fee. Petitioner has stated -the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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RICHARD W. GOLDSTEIN
2071 CLOVE ROAD
STATEN ISLAND, NY 10304

MAR 25 2005

In re Application of
Olukoya Olugbenga Okupe
Serial No.: 29/187,060
Filed: July 25, 2003
Attorney Docket No.: G702A

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received January 4, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 9, 2004, which set a three month statutory period of time to submit the Issue fee and formal drawings. The Issue fee was submitted August 6, 2004; however, as no formal drawings were received by October 12, 2004, the application was abandoned. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicant's petition lacks the terminal disclaimer and fee (4), which must be filed with petitions for design applications (37 CFR 1.137(a)). Furthermore, the petition lacks item (2), as applicant did not make the required corrections to Figure 9. Applicant was advised in the July 9, 2004 Examiner's Amendment that the broken lines in Figure 9 must be amended to use thin, widely spaced broken lines, as they appear to be solid and therefore claimed subject matter, which is inconsistent the other figures. The "amended" Figure 9 appears to be identical to the original Figure 9. Consistency and correction is required.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Applicant's petition is **DISMISSED.**

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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8/4/05

RICHARD W. GOLDSTEIN
2071 CLOVE ROAD
STATEN ISLAND, NY 10304

In re Application of
Olukoya Olugbenga Okupe
Serial No.: 29/187,060
Filed: July 25, 2003
Attorney Docket No.: G702A

: PETITION DECISION

This is a decision on applicant's renewed petition to revive patent application under 37 CFR 1.137(b), submitted April 26, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 9, 2004, which set a three month statutory period of time to submit the Issue fee and formal drawings. The Issue fee was submitted August 6, 2004; however, as no formal drawings were received by October 12, 2004, the application was abandoned. Applicant filed a Petition January 4, 2005, which was dismissed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The petition still lacks item (2), as applicant did not make the required corrections to Figure 9.

Applicant has submitted a copy of the original drawing and the amended drawing of January 4, 2005, showing that the amended drawings were changed to use widely spaced broken lines. It is agreed that the base of the gumball dispenser had been changed. However, the Examiner never objected to this section of the claimed design. On page 2 of the Examiner's Amendment, it reads:

> "The broken lines used to render the display artwork in Fig. 9 are too thick and closely spaced, making the artwork appear as part of the claimed design..."

Therefore, as the broken lines showing the **artwork**, i.e., the clown above the dispenser has not been corrected, the petition still cannot be granted.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Applicant's petition is **DISMISSED.**

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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RICHARD W. GOLDSTEIN
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STATEN ISLAND, NY 10304

8/19/05

In re Application of
Olukoya Olugbenga Okupe
Serial No.: 29/187,060
Filed: July 25, 2003
Attorney Docket No.: G702A

: PETITION DECISION

This is a decision on applicant's renewed petition to revive patent application under 37 CFR 1.137(b), submitted April 26, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 9, 2004, which set a three month statutory period of time to submit the Issue fee and formal drawings. The Issue fee was submitted August 6, 2004; however, as no formal drawings were received by October 12, 2004, the application was abandoned. Applicant filed a Petition January 4, 2005 which was dismissed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The petition still lacks item (2), as applicant did not make the required corrections to Figure 9.

Applicant has submitted a copy of the original drawing and the amended drawing of January 4, 2005, showing that the amended drawings were changed to use widely spaced broken lines. It is agreed that the base of the gumball dispenser had been changed. However, the Examiner never objected to this section of the claimed design. On page 2 of the Examiner's Amendment, it reads:

> "The broken lines used to render the display artwork in Fig. 9 are too thick and closely spaced, making the artwork appear as part of the claimed design..."

Therefore, as the broken lines showing the **artwork**, i.e., the clown above the dispenser has not been corrected, the petition still cannot be granted.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Applicant's petition is **DISMISSED.**

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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OFFICE OF PETITIONS

In re Application of :
Olukoya Olugbenga Okupe :
Application No. 29/187,060 : DECISION GRANTING PETITION
Filed: July 25, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. G702A :

This is a decision the renewed petition under 37 CFR 1.137(b), filed September 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to submit drawings on or before October 12, 2004, as required by the Notice of Allowability mailed July 9, 2004. A Notice of Abandonment was mailed on December 14, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of approved drawings (see attached Notice of Draftsperson's Patent Drawing Review); (2) the petition fee; (3) the required statement of unintentional delay; and (4) a terminal disclaimer have been received. Accordingly, the drawings are accepted as having been unintentionally delayed.

The terminal disclaimer is accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Publishing Division.

Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice of Draftsperson's Patent Drawing Review

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OFFICE OF PETITIONS

BUCHANAN INGERSOLL LLP
P.O. BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of
Thompson, et al.
Application No. 29/187,074
Filed: July 25, 2003
Docket No.: SELF-ADHESIVE APPLIQUE FOR COMPUTER POINTING DEVICE

: DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 6, 2004 for failure to timely reply to the non-final Office action mailed October 5, 2004. The Office action set a two month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. Notice of Abandonment was mailed December 13, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 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 pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 2900 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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MARK RODGERS
SPEED & ROGERS, P.A.
SUITE 125
1701 CENTERVIEW
LITTLE ROCK, AR 72211

6/24/05

In re Application of
Doyle Blankenship Jr.
Serial No.: 29/187,108
Filed: July 28, 2003
Attorney Docket No.: DB5304

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received March 31, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed August 11, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by November 12, 2004, a Notice of Abandonment was mailed January 20, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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MINNEAPOLIS MN 55402-1498

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OFFICE OF PETITIONS

In re Application of
James Russell Hornsby
Application No. 29/187,129
Filed: July 28, 2003
Attorney Docket No.: 187020/US

ON PETITION

This is a decision on the petition filed October 5, 2005 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed November 30, 2004. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned March 1, 2005. Subsequent to the filing of the instant petition, the Notice of Abandonment was mailed on July 12, 2005.

This matter is being referred to Technology Center 2914 for appropriate action on the amendment filed October 5, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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OFFICE OF PETITIONS

In re Application of	:	
Lawrence et al.	:	
Application No. 29/187,237	:	ON PETITION
Filed: July 29, 2003	:	
Attorney Docket No.: 103638/0516307	:	

This is a decision on the petition under 37 CFR 1.181, filed December 4, 2006, requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

The petition to withdraw the holding of abandonment is **DISMISSED AS MOOT.**

The instant application was never held abandoned. A Notice of Allowance and Notice of Allowability were mailed on December 4, 2006. Failure to timely and properly respond by March 5, 2007 will result in abandonment of the application. The time period for reply cannot be extended.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. However, petitioner did submit the $750.00 petition under 37 CFR 1.137(b) fee and the $65.00 terminal disclaimer fee, both of which are unnecessary. $815.00 will be credited to petitioner's deposit account as authorized.

This matter is being referred to Publishing Division to await a reply to the December 2006 Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Bonaldes et al.
Application No. 29/187,276
Filed: July 30, 2003
Attorney Docket Number: PCo260-03-KGL
Title of Invention: Bottle

This is a decision on the petition under 37 CFR 1.137(b), filed May 8, 2006, to revive the above-identified application.

This petition is hereby **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed December 13, 2004. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 15, 2005. A Notice of Abandonment was mailed on May 6, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(c) and (D). The instant petition lacks item (4) the terminal disclaimer and fee. A terminal disclaimer and the $130 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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 facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Bonaldes et al. :
Application No. 29/187,276 : ON PETITION
Filed: July 30, 2003 :
Attorney Docket Number: PCo260-03-KGL :
Title of Invention: Bottle :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 21, 2006, to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed December 13, 2004. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month period for reply. Extensions of time were not available under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 15, 2005. A Notice of Abandonment was mailed on May 6, 2005. A petition was dismissed on August 15, 2006.

The requirements to revive a petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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MILWAUKEE WI 53202-5308

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OFFICE OF PETITIONS

In re Patent No. D494437 :
Issued August 17, 2004 :
Application No. 29/187,327 : ON PETITION
Filed: July 30, 2003 :
Attorney Docket Number: 048674-0559 :

This is a decision on the petition, filed August 12, 2005, under 37 CFR 1.183, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the front of the Patent.

The petition is **DISMISSED**.

The petition, although filed by prior counsel, claims that assignment data was included in the PTOL-85B filed May 7, 2004 when in fact no assignment should have been supplied as the "present application remains unassigned". Accordingly, petitioner requests that a certificate of correction be issued to remove the assignment information on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The petition however, is not accompanied by a certificate of correction form or the fee as required by 37 CFR §§ 1.323 and 3.81(b) and thus is not grantable.

---

[1] *See* Official Gazette of June 22, 2004

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136. The application will be retained in the Office of Petitions for **TWO (2) MONTHS** to await petitioner's reply to this decision.

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

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

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/187,373	07/30/2003	2913	330	BGCO121225	3	1	1

CONFIRMATION NO. 9858

CORRECTED FILING RECEIPT

OC000000011558812

26389
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Date Mailed: 12/23/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Zhiming Qiu, Ningbo, CHINA;

Domestic Priority data as claimed by applicant

Foreign Applications

CHINA 03 3 04773.1 03/17/2003

If Required, Foreign Filing License Granted: 11/05/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

PEN

Preliminary Class

D19

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 15 2004

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Alexandria, VA 22313-1450
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CHARLES E BAXLEY
HART, BAXLEY, DANIELS & HOLTON
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

In re Application of	:
Ming-Yuan Hsu	:
Serial No.: 29/187,392	: PETITION DECISION
Filed: August 1, 2003	:
Attorney Docket No.: 14678 B	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted October 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed April 2, 2004, which set a three-month statutory period to pay the Issue fee. As no response was received by July 2, 2004, a Notice of Abandonment was mailed July 30, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within three months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 02-1435, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : January 10,2008

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/187,405 Patent No.: D496926 S

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

2916

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

LEWIS RICE & FINGERSH
BOX IP DEPARTMENT
SUITE 2000
500 NORTH BROADWAY
ST. LOUIS, MO 63102

COPY MAILED

MAY 11 2004

OFFICE OF PETITIONS

In re Application of :
Cory O. Nykoluk :
Application No. 29/187,464 : NOTICE
Filed: August 1, 2003 :
Attorney Docket No. 26/1177D(2) :

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 the Office of Petitions Staff at (703) 305-9285.

This file is being referred to the Publishing Division.

Wan Layton
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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6/24/05

Richard J. Veltman
Black & Decker Corporation
701 E. Joppa Road TW-199
Towson MD 21286

In re Application of
Rockwood T. Roberts III
Serial No.: 29/187,478
Filed: July 31, 2003
Attorney Docket No.: 6097-40

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment filed under 37 CFR 1.181, filed February 23, and March 13, 2005, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed August 26, 2004, setting a three month statutory period to pay the Issue fee. As no response was received by November 26, 2004, a Notice of Abandonment was mailed on January 20, 2005.

Applicant has submitted a copy of the Issue Fee Transmittal that includes a Certificate of Mailing date of September 13, 2004. Therefore, the application will be returned to pending status.

Applicant's petition is **GRANTED.**

The Issue Fee and five copies will be charged to applicant's Deposit Account 02-2550, as directed.

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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MAY 0 2 2006
OFFICE OF PETITIONS

In re Patent of	:	
Akerfeldt, et al.	:	
Patent No. D507,053	:	
Issue Date: July 5, 2005	:	Decision on Request
Application No. 29/187,499	:	
Filing Date: August 4, 2003	:	
Attorney Docket No. AKER3001/JEK	:	

This is a decision on the request filed under 37 CFR 3.81(b) to accept the correction of the assignee data after the patent has issued.

The request under 37 CFR 3.81(b) is **granted**.

37 CFR 3.81(b) currently states:

> Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

(1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
(2) the assignment was submitted for recordation prior to issuance of the patent, and
(3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioners have met the requirements set forth above. Therefore, the request is granted.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

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OCT 13 2006
OFFICE OF PETITIONS

In re Application of :
Garrett W. Bateman :
Application No. 29/187,541 :
Filed: August 1, 2003 :
Attorney Docket No. 098.004 D3 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 2006, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional petition fee is necessary.

This application became abandoned for failure to respond in a proper and timely manner to the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed on October 20, 2004, which set a three (3) month statutory period for reply. Accordingly, the application became abandoned on January 21, 2005. On March 3, 2005, the Office mailed a Notice of Abandonment.

The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) 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 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. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to § 1.137(d).

The present petition does not satisfy requirement (1) above. On October 20, 2004, the Office mailed a Notice of Allowability, which stated:

> 2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.
>
> The oath or declaration is defective because:
>
> Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Upon reviewing the record, it appears that petitioner did not submit a new oath or declaration correcting the noted defect with the present petition as required by the Notice of Allowability. Accordingly, **this application cannot be revived until petitioner files a new oath or declaration in compliance with 37 CFR 1.67(a).**

Further correspondence with respect to this matter should be addressed as follows and **to the attention of Senior Petitions Attorney Christina Tartera Donnell:**

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

By FAX: (571) 273-8300
Attn: Office of Petitions

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

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

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204

In re Application of :
Garrett W. Bateman :
Application No. 29/187,541 :
Filed: August 1, 2003 :
Attorney Docket No. 098.004 D3 :

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 13, 2006, to revive the above-identified application.

This application became abandoned for failure to respond in a proper and timely manner to the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed on October 20, 2004, which set a three (3) month statutory period to submit the issue fee and a substitute declaration. In the absence of a timely reply, the application became abandoned on January 21, 2005. On March 3, 2005, the Office mailed a Notice of Abandonment. On March 1, 2006, petitioner filed a petition under 37 CFR 1.137(b), which was dismissed by the decision of October 13, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a $ 400.00 issue fee and a new declaration in compliance with 37 CFR 1.67(a); (2) the petition fee of $ 750.00; and (3) an acceptable statement of unintentional delay. 37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

This matter is being referred to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (571) 272-4200. Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Robert E. Krebs
Thelen Reid & Priest LLP
P. O. Box 640640
San Jose CA 95164-0640

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AUG 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Byron Van SLOVIS	:	
Application No. 29/187,547	:	DECISION ON PETITION
Filed: July 31, 2003	:	TO WITHDRAW
Attorney Docket No. 033905-000018	:	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 17, 2005.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to Monica A. Graves at 571-272-7253.

David Bucci
Petitions Examiner
Office of Petitions

cc: Mary Jo Bertani
KOESTNER BERTANI LLP
18662 MacArthur Blvd., Suite 400
Irvine, CA 92612

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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KOESTNER BERTANI LLP
2192 MARTIN ST., SUITE 150
IRVINE, CA 92612

MAILED

SEP 28 2009

OFFICE OF PETITIONS

In re Application of :
Byron Van Slovis :
Application No. 29/187,547 : DECISION ON PETITION
Filed: July 31, 2003 :
Attorney Docket No. 033905-000018 :

This is a decision on the petition, filed July 24, 2009, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee on or before December 7, 2006, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed September 7, 2006.

Petitioner asserts that the Notice dated September 7, 2006 was not received.

A review of the USPTO's record indicates a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address was received on May 16, 2006 but was never entered. These documents were filed under Oath or Declaration instead of Revocation of Power of Attorney.

The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2914 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of September 7, 2006. The period for paying the issue fee will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

JAN 8 2004

Charles J. Prescott, P.A.
Suite 115
2033 Wood Street
Sarasota FL 34237

In re Application of :
Albin Chaplin :
Serial No.: 29/187,564 :
Filed: August 1, 2003 :
For: Soap Holding Cleaning Device :

DECISION ON PETITION

This is in response to applicants' petition filed August 1, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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

Paper No. None

James G. O'Neill
Klein, O'Neill & Singh, LLP
Suite 510
2 Park Plaza
Irvine CA 92614

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MAY 2 8 2004

OFFICE OF PETITIONS

In re Application of
Kevin M. Haakenson
Application No. 29/187,616
Filed: August 4, 2003
Attorney Docket No.:
782-02-DA-J
Title: HOLDER FOR DRINK CONTAINERS

DECISION ON PETITION

This is a decision on the petition filed November 28, 2003, requesting that Figure 7 be accorded a filing date of August 4, 2003, as part of the original disclosure.

The application was deposited on August 4, 2003. However, on November 17, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application (notice)", stating that the application had been accorded a filing date, and advising applicants that the application appeared to have been deposited without Figure 7.

In response, on November 28, 2003, applicants filed the present petition. The petition is further accompanied by a copy of Figure 7, along with a copy of applicants' postcard receipt acknowledging receipt of "3 Page (sic) Drawings Sheets" in the United States Patent and Trademark Office (Office) on August 4, 2003. Applicants request that Figure 7 be accorded a filing date of August 4, 2003 as part of the original disclosure.

It is noted that 2 sheets of drawings have been located in the electronic file, containing figures 1 - 6.

Upon review of the record, the above-mentioned figure has not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 4, 2003 included Figure 7, and the sheet containing this Figure was subsequently misplaced in the Office.

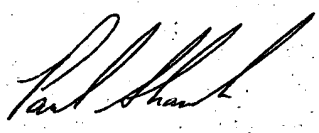
Therefore, the application, including Figure 7, was complete on filing and this figure is entitled to a filing date of August 4, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed November 17, 2003 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee of $130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 4, 2003, using the original application papers filed on that date, as well as the Figure 7 submitted on November 28, 2003 and for indication in Office records that this figure was present on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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GEORGE R SCHULTZ
SCHULTZ & ASSOCIATES, P.C.
ONE LINCOLN CENTRE
5400 LBJ FREEWAY, SUITE 525
DALLAS TX 75240

In re Application of
Dave Singer
Serial No.: 29/187,625
Filed: August 4, 2003
Attorney Docket No.: 46280.0363

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 24, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed August 23, 2004, which set a three-month statutory period to pay the Issue fee. As no response had been received by November 23, 2004, the application was abandoned; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 50-2225, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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

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JUL 2 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Wolf, Zaikov, and Staples	:	
Application No. 29/187,632	:	DECISION ACCORDING STATUS
Filed: August 4, 2003	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. STBK121403	:	
For: Gum Tin	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 6, 2004. Petitioner obtained a four (4) month extension of time to reply. Accordingly, the petition is filed timely.

The petition is granted.

Petitioner has shown that Robin Staples, the non-signing inventor, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Dennis K. Shelton establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that she sign the declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2900.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Robin Staples
16731 Mount Forest Blvd
Monroe, WA 98272-9167

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JUL 20 2004
OFFICE OF PETITIONS

In re Application of :
Wolf, Zaikov, and Staples :
Application No. 29/187,632 : LETTER
Filed: August 4, 2003 :
Attorney Docket No. STBK121403 :
For: Gum Tin :

Dear Ms. Staples:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

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

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
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6/24/05

MARK T. GARRETT
FULLBRIGHT & JAWORSKI LLP
SUITE 2400
600 CONGRESS AVENUE
AUSTIN TX 78701

In re Application of
Joseph M. Jarke
Serial No.: 29/187,633
Filed: August 5, 2003
Attorney Docket No.: RJPD:002USDN

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received April 18, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Notice of Allowance mailed December 15, 2004. Applicant filed a Request for Continued Examination (RCE) on March 15, 2005; applicant was advised that this request was denied April 8, 2005, as RCE's do not apply to design patent applications. Therefore, as a complete response was not received by March 15, 2005, the application was abandoned; this petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicant is advised that as the petition was filed before the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer was been waived.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $65.00 will be refunded to Applicant's Deposit Account 50-1212/RJPD:002, as directed.

The application will be forwarded to Publications Branch to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)
RJPD:002USDN

In re Application of:

Name: Joseph M. Jarke

Application Number: 29/187,633

Filed: August 5, 2003

For: Container

The owner*, RJ Product Development Inc. of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☑ The undersigned is an attorney or agent of record. Registration Number 44,699.

Signature — April 14, 2005 (Date)

Mark T. Garrett (Typed or Printed Name) — (512) 536-3031 (Telephone Number)

☑ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Steven M. Greenberg
GVC Marketing, LLC
6770 Lantana Road, Suite 3
Lantana, FL 33467

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APR 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Adriana Velez :
Application No.: 29/187,644 : ON PETITION
Filed: August 5, 2003 :
Attorney Docket No.: 7570-001 :

This a decision on the petition filed January 14, 2004, titled "Response to Notice of Omitted Items in Nonprovisional Application." The petition will be treated as request to withdraw the Notice of Omitted Items in a Nonprovisional Application" (the "Notice") mailed November 17, 2003, in the above-cited application.

The petition is **dismissed.**

The application was filed on August 5, 2003. The application included two sheets of drawings, but none of the figures encompassed in the drawings were labeled "Figure 5" and "Figure 6" as identified in the specification. Accordingly on November 17, 2003, the Initial Patent Examination Division mailed the Notice stating, in pertinent part, that the application had been accorded a filing date of August 5, 2003, but that Figures 5 and 6 appeared to have been omitted.

In response, the present petition was filed. Petitioner therein argued that Figures 5 and 6 were included among the drawings filed on August 5, 2003.

The arguments have been considered, but are not persuasive. The Patent and Trademark Office (the "Office) file is the official record of the papers originally filed in this application. A review of the application file reveals that two sheets of drawings were filed on August 5, 2003, containing figures 1, 2, 3, and 4. Petitioner must provide evidence that the alleged omitted items were received on August 5, 2003. Sufficient proof of receipt by the Office would be an itemized Office date-stamped postcard receipt whereby the Office acknowledges receiving the items listed on the postcard. No such postcard was found with the petition papers. Although a copy of an Express Mail receipt is noted, it does not sufficiently establish what was received by the Office on August 5, 2003, because it lacks itemization of the contents of the package. The Office of Initial Patent Examination correctly issued a Notice of Omitted Items of Nonprovisional Application for Figures 5 and 6 because no figures having such a reference were found in the drawings and petitioner did not provide sufficient evidence to support the argument that additional sheets of drawings were received on August 5, 2003.

Of course, applicant may submit figures labeled 5 and 6 in the form of an amendment for consideration by the examiner to determine whether the drawing contains new matter compared to the original specification and drawings filed August 5, 2003. See 37 CFR 1.121.

The Notice of Change of Correspondence Address filed January 14, 2004, is noted and made of record.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of August 5, 2003, using the two sheets of drawings filed August 5, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petition Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Steven M. Greenberg
GVC Marketing, LLC
6770 Lantana Road, Suite 3
Lantana, FL 33467

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OFFICE OF PETITIONS

In re Application of
Adriana Velez
Application No. 29/187,644
Filed: August 5, 2003
Attorney Docket No. 7570-001

ON PETITION

This is a decision on the renewed petition filed May 17, 2004, to vacate the Notice of Omitted Items in Nonprovisional Application (the "Notice") that was mailed November 17, 2003, in the above-cited application.

The renewed petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.182." This is not a final agency decision.

The application was filed on August 5, 2003, and included two sheets of drawings, but none of the figures encompassed in the drawings were labeled "Figure 5" and "Figure 6" as described in the specification. Accordingly, on November 17, 2003, the Initial Patent Examination Division mailed the Notice stating, in pertinent part, that the application had been accorded a filing date of August 5, 2003, but that Figures 5 and 6 appeared to have been omitted. A petition, titled "Response to Notice of Omitted Items in Nonprovisional Application" was filed on January 14, 2004, and dismissed by a decision mailed April 1, 2004. The instant renewed petition was filed on May 17, 2004, wherein the argument is made that the drawings are not necessary to the understanding of the invention claimed.

After further consultation with the Office of Patent Legal Administration, it has been determined that the above-cited application is entitled to the filing date of August 5, 2003, because the original application papers included at least one drawing. It was further determined that the Notice was properly issued because applicant has not been able to establish that figures labeled 5 and 6 accompanied the original application papers. Applicant's argument that that Figures 5 and 6 are "extraneous" and are not necessary to the understanding of the invention claimed is noted. Given this argument, and upon further discussion with the Office of Patent Legal Administration, it has been determined that the most expedient way to correct the application is for applicant to file an amendment to the specification canceling all references to omitted Figures 5 and 6. Accordingly, an amendment to the specification canceling all references to Figures 5 and 6 should be filed before the first action on the merits.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with the a filing date of August 5, 2003, including only those papers determined to have been received on that date.

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

By mail: Mail Stop Petitions
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
Attn: Office of Petitions

By Hand: Office of Petitions
Crystal Plaza 4, 3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

STEVEN M. GREENBERG
12549 EQUINE LANE
WELLINGTON, FL 33414

In re Application of :
Adriana Velez :
Application No. 29/187,644 : DECISION GRANTING PETITION
Filed: August 5, 2003 :
Attorney Docket No. 7570-001 :

This is a decision on the renewed petition filed May 17, 2004, to vacate the "Notice of Omitted Items in Nonprovisional Application (the "Notice").

The decision on petition mailed June 2, 2004, is **vacated**.

The renewed petition is **granted**.

The application was filed on August 5, 2003, and included two sheets of drawings, but none of the figures encompassed in the drawings were labeled "Figure 5" and "Figure 6" as described in the specification. Accordingly, on November 17, 2003, the Initial Patent Examination Division mailed the Notice stating, in pertinent part, that the application had been accorded a filing date of August 5, 2003, but that Figures 5 and 6 appeared to have been omitted. A petition, titled "Response to Notice of Omitted Items in Nonprovisional Application" was filed on January 14, 2004, and dismissed by a decision mailed April 1, 2004. A renewed petition was filed on May 17, 2004, wherein the argument was made that the drawings are not necessary to the understanding of the invention claimed. A decision dismissing the renewed petition was mailed on June 2, 2004. The decision of June 2, 2004, indicated that the application would retain the original filing date of August 5, 2003, but that Figures 5 and 6 would not be recognized as part of the original disclosure. The record reflects that the applicant then filed an amendment to the specification canceling all references to Figures 5 and 6.

Further review of the subject application file revealed a letter filed April 26, 2005, wherein applicant provided an Office date-stamped postcard whereby the Office acknowledged receiving 3 sheets of drawings, among other items. A copy of the drawing sheet containing figures 5 and 6 was also included. In the letter of August 26, 2005, applicant requested that the amendment canceling the references to Figures 5 and 6 be disregarded in light of the Office date-stamped postcard. A review of the drawings filed on August 5, 2003, revealed a third sheet of drawings containing Figures 5 and 6.

The evidence is convincing that the application papers deposited August 5, 2003, included Figures 5 and 6 and was complete on filing and entitled to a filing date of August 5, 2003.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being returned to Technology Center 2900, GAU 2913 for further processing with a filing date of August 5, 2003.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

STEVEN M. GREENBERG, P.A.
ATTN: STEVEN M. GREENBERG
12549 EQUINE LANE
WELLINGTON FL 33414

In re Application of :
Adriana Velez :
Application No. 29/187,644 : ON PETITION
Filed: August 5, 2003 :
Attorney Docket No. 7570-001 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed, November 27, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely submit formal drawings on or before July 5, 2006 in reply to the Notice of Allowability mailed April 4, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(4).

A petition to revive under 37 CFR 1.137(b) in a design application must be accompanied by a terminal disclaimer and fee.

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEVEN M. GREENBERG, P.A.
ATTN: STEVEN M. GREENBERG
12549 EQUINE LANE
WELLINGTON FL 33414

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OFFICE OF PETITIONS

In re Application of :
Adriana Velez :
Application No. 29/187,644 : DECISION GRANTING PETITION
Filed: August 5, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 7570-001 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 6, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings and a terminal disclaimer and fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability of April 4, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to Patent Publication and for review of the drawings filed November 27, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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JUL 16 2004

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

In re Application of
Boyd I. Willat
Serial No.: 29/187,649
Filed: August 5, 2003
Attorney Docket No.: 03-12234

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted April 30, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 14, 2004, which set a three-month statutory period to pay the issue fee. As no response was received by April 14, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 03-2030, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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GERALD LEVY
PITNEY HARDIN, LLP
7 TIMES SQUARE
NEW YORK, NY 10036

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OFFICE OF PETITIONS

In re Patent No. D494643	:	
Issue Date: August 17, 2004	:	
Application No. 29/187,650	:	ON PETITION
Filed: August 4, 2003	:	
Attorney Docket No. 2388-828	:	

This is a decision on the petition under 37 CFR 1.182, filed January 7, 2005, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **granted**.

The Publishing Division is directed to issue duplicate Letter Patent.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of the duplicate Letters Patent should be directed to either Krystal Paige at (703) 305-8237 or Susan Free at (703) 305-0136.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Krystal Paige, P/OPPD, Crystal Park 3-910 (FAX 305-4372)
Susan Free, P/OPPD, Crystal Park 3-910(FAX 305-4372)

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ONE EAST MAIN STREET
SUITE 300
MADISON, WI 53703-3300

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JUL 28 2006

OFFICE OF PETITIONS

In re Application of :
Marta Phillips et al :
Application No. 29/187,658 : DECISION ON PETITION
Filed: August 5, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 2185.065USD :

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c).

The instant petition lacks item (4). A petition to revive in a design application requires the submission of a terminal disclaimer. *Note* 37 CFR 1.137(d). Accordingly, before revival of this application can be effected, a proper terminal disclaimer must be submitted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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P.O. Box 1450
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WHYTE HIRSCHBROECK DUDEK S.C.
ONE EAST MAIN STREET, SUITE 300
MADISON, WI 53703-3300

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AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
Marta Phillips et al :
Application No. 29/187,658 : DECISION ON PETITION
Filed: August 5, 2003 :
Attorney Docket No. 2185.065USD :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 18, 2006, to revive the above-identified design application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed June 1, 2005, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 2, 2005. A Notice of Abandonment was mailed on December 19, 2005. A first petition to revive was filed on March 15, 2006 and dismissed in a decision mailed July 28, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by

37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c).

The instant petition lacks item (4). In this regard, an attorney of record has not signed the terminal disclaimer, as required by 37 CFR 1.321(a)(1). It is noted that a new power of attorney was filed on July 26, 2006 appointing the attorneys associated with Customer No. 56080; however, Mr. Gabriel S. Gross, the attorney signing the terminal disclaimer, is not one of the attorneys appointed under this Customer Number. Accordingly, a proper terminal disclaimer signed by an attorney of record is required.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $795 extension of time fee submitted with the petition on March 15, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course as requested.

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
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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ONE EAST MAIN STREET, SUITE 300
MADISON, WI 53703-3300

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OFFICE OF PETITIONS

In re Application of :
Marta Phillips et al :
Application No. 29/187,658 : DECISION ON PETITION
Filed: August 5, 2003 :
Attorney Docket No. 2185.065USD :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 15, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed June 1, 2005, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 2, 2005. A Notice of Abandonment was mailed on December 19, 2005. A first petition to revive was filed on March 15, 2006 and dismissed in a decision mailed July 28, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed;
(2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a reply in the form of an amendment and drawings, (2) the petition fee of $750, (3) a proper statement of unintentional delay, and (4) a terminal

disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Office action of June 1, 2005 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Technology Center AU 2911 for appropriate action in the normal course of business on the reply received to the Office action of June 1, 2005.

Frances Hicks
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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LIANG FA HU
235 CHUNG-HO BOX 8-24
TAIPEI HSIEN
TAIWAN

AIRMAIL

COPY MAILED

OCT 2 1 2005

OFFICE OF PETITIONS

In re Application of :
Liang Fa Hu :
Application No. 29/187,674 : ON PETITION
Filed: August 6, 2003 :
Attorney Docket No. AD3002-CXZIBCO1 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed July 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 15, 2004.

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), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (4) above (copy attached).

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 Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/63

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

LIANG FA HU
235 CHUNG-HO, BOX 8-24
TAIPEI HSIEN
TAIWAN

AIRMAIL

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FEB 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Liang Fa Hu	:	
Application No. 29/187,674	:	ON PETITION
Filed: August 6, 2003	:	
Attorney Docket No. AD3002-CXZIBCO1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 12, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The terminal disclaimed filed December 12, 2005 under 37 CFR 1.137(d) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(d)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. 65 Fed. Reg. 54,674 (2000). Accordingly, the period of the terminal disclaimer filed December 12, 2005 will be equivalent tot he lesser of period (1) or (2), as noted above, for this application.

This matter is being referred to Publishing Division.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Adam B. Strauss
DYKEMA GOSSETT PLLC
Suite 300
39577 Woodward Avenue
Bloomfield Hills, MI 48304-2820

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JAN 3 2005

OFFICE OF PETITIONS

In re Application of
Colak et al.
Application No. 29/187,710
Filed: August 6, 2003
Attorney Docket No. 64617-012

ON PETITION

This is a decision on the petition filed January 12, 2004 to accord the above-identified application a filing date of August 6, 2003. The Office apologizes for the delay in the mailing of the instant decision.

On August 6, 2003, the application was filed.

On November 10, 2003, the Office of Initial Patent Examination mailed a Notice stating that a claim was not present and that a filing date had not been accorded and the filing date would be the date of receipt of a claim. The Notice also stated the oath/declaration was not signed.

In response, the present petition was filed alleging that a claim was deposited on August 6, 2003. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 2 pages of specification on August 6, 2003.[1]

Page 1 of the specification is present. However, page 2 of the specification which included only the claim is not present in the file.

The evidence is convincing that the application papers deposited on August 6, 2003, included a claim on page 2 of the specification, and that page 2 was subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of August 6, 2003.

In view of the above, the petition is **granted**. The copy of the claim submitted with the petition will be used for examination purposes.

The petition fee will be credited back to petitioner's deposit account. Since a signed oath/declaration was not present on the filing date accorded, August 6, 2003, the fee of $65 will be charged to petitioner's deposit account.

---

[1] Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

The Notice mailed November 10, 2003, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 6, 2003, using the application papers filed on August 6, 2003, and the copy of page 2 of the specification which includes a claim filed on January 12, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

8/15/05

CHARLES Y LACKEY
P.O. BOX 5871
WINSTON-SALEM, NC 27113-5871

In re Application of
Paul S. Marley
Serial No.: 29/187,773
Filed: August 8, 2003
Attorney Docket No.:

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed July 7, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed February 17, 2005, which set a three-month statutory period to submit the Issue Fee. Applicant submitted the Issue Fee Transmittal and a check for $200.00, which was received March 24, 2005; however, as an additional $200.00 was due and not received by May 17, 2005, a Notice of Abandonment was mailed June 13, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant by Treasury Check in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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OFFICE OF PETITIONS

In re Application of :
Daniel Perella et al :
Application No. 29/187,785 : ON PETITION
Filed: August 8, 2003 :
Attorney Docket No. 039603-0300473

This is a decision on the petition filed, October 10, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on September 14, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2916 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

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JUL 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel Perella et al	:	DECISION GRANTING PETITION
Application No. 29/187,785	:	UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: August 8, 2003	:	
Attorney Docket No. 039603-0300473	:	

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 10, 2006 and supplemented on July 11, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on September 14, 2006 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance, which may issue on the CPA filed July 11, 2007.

The decision mailed October 18, 2006 is hereby vacated as of the mail date of this decision.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petition Examiner
Office of Petitions

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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5/6/05

RYNDAK & SURI
30 N. LASALLE STREET
SUITE 2630
CHICAGO, IL 60602

In re Application of
Christopher James Mero
Serial No.: 29/187,789
Filed: August 8, 2003
Attorney Docket No.: 40300-10590

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 25, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed November 4, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by February 4, 2005, the application was abandoned. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $130.00 will be refunded to applicant's Deposit Account 50-0503, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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

Donald Cislo
Cislo & Thomas LLP
Suite 900
233 Wilshire Boulevard
Santa Monica, CA 90401-1211

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FEB 10 2004

OFFICE OF PETITIONS

In re Application of :
Margaret Weiser :
Application No. 29/187,817 : ON PETITION
Filed: August 8, 2003 :
Attorney Docket No.: 03-12235 :

This is a decision on the petition filed October 20, 2003, requesting in effect, that a Notice to File Missing Parts in a Nonprovisional Application[1] ("Notice") mailed October 10, 2003, be withdrawn.

The application was filed on August 8, 2003. However, on October 10, 2003, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of August 8, 2003 but figures 7-10 described in the specification appeared to have been omitted.[2]

In response, the present petition was filed wherein Petitioner contends eight pages of drawings which included figures 1-10 as described in the specification was filed on August 8, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists "8 drawing pages". The petition is further accompanied by 8 pages of drawings including figures 1-10.

Applicant's postcard receipt is prima facie evidence that 8 pages of drawings were received on August 8, 2003, but 3 pages including figures 7-10 are not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that 8 pages of drawings including figures 1-10 of the specification were received on August 8, 2003, as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The petition fee of $130.00 will be refunded to deposit account 03-2030.

Since figures 7-10 of the original disclosure cannot be located in the Office, three sheets of drawings including figures 7-10 supplied on October 20, 2003, will be used for processing and

---

[1]The above-identified application is a design application.

[2]The Notice of Missing Parts also stated the oath or declaration was missing. A review of the Office stamped postcard receipt shows a declaration was received with the initial disclosure on August 8, 2003.

examination purposes.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of **August 8, 2003** using the 3 sheets of drawings which includes figures 7-10 supplied on October 20, 2003.

The Office acknowledges receipt of the declaration.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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JUN 07 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of	:	
Kirsten Uta Schambra	:	
Serial No.: 29/187,818	:	DECISION ON PETITION
Filed: August 9, 2003	:	
For: Side Element Of A Shoe Upper	:	

This is in response to the petition applicant filed on August 9, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JAN 6 2004

ROGER A. MARRS
SUITE 1220
15233 VENTURA BLVD.
SHERMAN OAKS CA 91403

In re Application of
Alex Elnekaveh
Serial No.: 29/187,846
Filed: August 11, 2003
For: Design of a Wrist Watch

DECISION ON
PETITON TO MAKE SPECIAL

This is in response to applicants' petition filed October 29, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

SAIDMAN DESIGNLAW GROUP
1110 BONIFANT STREET, SUITE 510
SILVER SPRING MD 20910

FEB 12 2005

In re Application of
Shinichi Nakamura :
Serial No.: 29/187,858 :
Filed: August 8, 2003 : PETITION DECISION
Attorney Docket No.: 1612.099 :
:

This is in response to applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, filed October 19, 2004, based on not having to respond to the Office action.

A review of the file history shows that a Notice of Allowance was mailed March 19, 2004, setting a three month statutory period to pay the Issue fee, which was submitted May 11, 2004. On June 22, 2004, a Notice Regarding Drawings was sent to applicant, giving applicant two months to submit new formal drawings, as required on the enclosed form PTO-948. Upon failure to submit formal drawings by August 23, 2004, a Notice of Abandonment was mailed on September 30, 2004; this petition followed.

Applicant has stated that formal drawings were not submitted, as the requirement was withdrawn by the Draftsperson on July 8, 2004 in a revised PTO-948. This unfortunately was not entered into the application; the copy provided by applicant clearly shows that new drawings were not required, and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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JAN 16 2004

Charles H. Helein, Esquire, POA
The Helein Law Group
8180 Greensboro Dr., Ste. 700
McLean VA 22012

In re Application of :
Ben Lowinger :
Serial No.: 29/187,861 :
Filed: August 29, 2003 :
For: WRISTLINK XACT X2X :
TWO-WAY WRIST RADIO WATCH :
DEVICE :

REQUEST FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed January 12, 2004, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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ANTHONY EDW. J CAMPBELL
PO BOX 160370
AUSTIN TX 78716

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AUG 15 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Andrew Corley
Application No. 29/187,915
Filed: August 8, 2003
Title of Invention: Input Device For Video Game

This is a decision on the petition filed May 3, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fee (s) Due which was mailed February 10, 2004. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 11, 2004. A Notice of Abandonment was mailed on February 17, 2005.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

The Office is in receipt of the terminal disclaimer.

The power of attorney and change of correspondence address has been entered and made of record.

This application is being forwarded to the Office of Patent Publication for processing

into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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FIRST NATIONAL TOWER FOURTH FLOOR
106 S. MAIN STREET
AKRON, OH 44308

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AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Charles F. Walton, et al. :
Application No. 29/187,930 : NOTICE
Filed: August 8, 2003 :
Attorney Docket No. SMI.D.0013

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 the Office of Petitions Staff at (703) 305-9285.

This file is being referred to Publishing Division for appropriate processing.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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6/24/05

GEORGE D. MORGAN ESQ.
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

In re Application of
Greg E. Blonder
Serial No.: 29/187,934
Filed: August 8, 2003
Attorney Docket No.: 13558-12

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted May 20, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Office action mailed July 22, 2004, which set a three-month shortened statutory period to respond. As no response was received by October 22, 2004, a Notice of Abandonment was mailed February 3, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to the Examiner for consideration of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

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FEB 05 2004

OFFICE OF PETITIONS

In re Application of :
Khalifa :
Application No. 29/187,976 : DECISION ON
Filed: August 12, 2003 : PETITION
Attorney Docket No. 45591 :
For: BLADDER WITH TETHERED TOP :
AND HOSE

This is a decision on the petition, filed November 19, 2003, requesting that Figure 1 be accorded a filing date of August 12, 2003. The petition will be treated under 37 CFR 1.53(e).

The application was filed on August 12, 2003. On November 12, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioner that Figure 1, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 1 be accorded a filing date of August 12, 2003 on the basis that 3 sheets of drawing figures, including Figure 1, were received in the Patent and Trademark Office (PTO) on August 12, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 12, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 3 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 3 sheets of drawing figures were filed on August 12, 2003. MPEP 503. A review of the application file reveals that there are 2 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioner's request, the $130.00 petition fee submitted with the instant petition will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 12, 2003**, using the copy of Figure 1 submitted with the instant petition. Office records will be corrected to show that 3 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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2005

BRIGGS & MORGAN, P.A.
2200 IDS CENTER
MINNEAPOLIS, MN 55402

In re Application of
John Underbrink
Serial No.: 29/188,011
Filed: August 11, 2003
Attorney Docket No.: 020082

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted December 10, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 14, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by July 14, 2004, a Notice of Abandonment was mailed September 1, 2004; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 700/2900

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LYON & HARR, LLP
SUITE 800
300 ESPLANADE DRIVE
OXNARD, CA 93030

MAR 25 2005

In re Application of
George Tash
Serial No.: 29/188,025
Filed: August 11, 2003
Attorney Docket No.: GTW-070B-99-D

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received January 19, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed June 3, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was paid September 3, 2004; however, as no formal drawings were received, a Notice of Abandonment was mailed to applicant November 3, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for filing a terminal disclaimer has been waived, as the Petition was filed within three months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

Best Available Copy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-26-05

TO SPE OF : ART UNIT ~~2913~~ 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D491438

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

E. James

Thank You For Your Assistance

Certificates of Correction Branch

Drawings

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments:

GARY D. WATSON
SUPERVISORY PATENT EXAMINER

Gary D. Watson

SPE

2915

Art Unit

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NOV 18 2004

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

In re Application of	:
Donald Deubel	:
Serial No.: 29/188,037	: PETITION DECISION
Filed: August 12, 2003	:
Attorney Docket No.: CNST-0038/A5792US2	:

This is a decision regarding Petition to Revive under 37 CFR 1.137(b) filed August 23, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance and Issue Fee due mailed February 25, 2004, which set a three-month statutory period to respond. Applicant filed a Request for a Continued Examination on May 25, 2004; however, RCE's do not apply to design patent applications, as applicant was informed June 28 2004. Therefore, the application was abandoned as a proper response was not received by May 25, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A Continued Prosecution Application is considered a proper response. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to be processed as a CPA in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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SUITE 2500
CHICAGO IL 60601-1732

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OFFICE OF PETITIONS

In re Application of :
Craig Dohner :
Application No. 29/188,047 : ON PETITION
Filed: August 12, 2003 :
Title: Card Case with Data Register :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed May 17, 2006. In the alternative petitioner has requested the petition be treated under 37 CFR 1.137(b).

The petition to withdraw the holding of abandonment is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **DISMISSED.**

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fees Due, which was mailed November 14, 2005 and set a 3 month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). An improper RCE and IDS were filed on December 19, 2005. A Notice of Improper Request for Continued Request was mailed on May 4, 2006. Accordingly, this application became abandoned on February 14, 2006. A Notice This decision precedes the mailing of a Notice of Abandonment.

Petitioner argues the abandonment of the above-identified application was the direct result of the delay of in transmittal of the Notice of Improper Request for Continued Examination (RCE). Petitioner contends the examiner informed him that the Improper Request for Continued Examination should have been mailed out immediately.

Petitioner's argument has been considered, but deemed unpersuasive. Pursuant to MPEP 706.07 (h), if one or more conditions for filing an RCE have not been satisfied, applicant will be so notified. Generally, a "Notice of Improper Request for Continued Examination (RCE)," Form PTO-2051, will be mailed to applicant. An improper RCE will not operate to toll the running of any time period set in the previous Office action for reply to avoid abandonment of the application. A time period for when a Notice of Improper Request for Continued Examination is not provided. The Office may try to notify when a reply is incomplete where possible however, there is no guarantee that notification will be provided within a statutory time period.

Further 37 CFR 1.114 (e) clearly states that Request for Continued Examination are not applicable to design applications. The Office's failure to acknowledge petitioner's error within the statutory period of reply does not warrant withdrawal of the holding of abandonment. As such, the application was abandoned because an improper reply was filed.

Petition under 37 CFR 1.137(b)

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional"; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03 (c)(III)(c) and (D).

The instant petition lacks items (1) and (4). As to item (1), petitioner has failed to submit the issue fee. 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned or patent lapsed for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned or patent lapsed for failure to pay the issue fee or any portion thereof.

As to item (4), a terminal disclaimer and the $130 terminal disclaimer fee is required under 37 CFR 1.137(c) if the application is: (1) a design application, (2) a utility application filed before June 8, 1995, or (3) a plant application filed before June 8, 1995. The terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted the application equivalent to the period of abandonment of the application, and must also apply to any patent granted on any application containing a specific reference under 35 U.S.C. 120, 121 or 365(c) to the application for which revival is sought.

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 facsimile:	(571) 273-8300
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office Customer Service Window, Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Craig Dohner
Application No. 29/188,047
Filed: August 12, 2003
Title: Card Case with Data Register

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) filed August 16, 2006.

This application became abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Fees Due, which was mailed November 14, 2005 and set a 3 month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). An improper RCE and IDS were filed on December 19, 2005. A Notice of Improper Request for Continued Request was mailed on May 4, 2006. Accordingly, this application became abandoned on February 14, 2006. This decision precedes the mailing of a Notice of Abandonment. A petition was dismissed on August 3, 2006.

On renewed petition, petitioner has requested that the request for Continued Prosecution Application (CPA) be withdrawn and the application be allowed to issue.

Since petitioner submitted the request for CPA while the application was abandoned the CPA request will be withdrawn.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

Deposit account 50-2428 will be credited the $395.00 RCE fee and $175.00 CPA fee.

This application is being forwarded to the Office of Patent Publication for processing

into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

/Charlema Brown/

Charlema R. Grant
Petitions Attorney
Office of Petitions

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SAMSONITE CORPORATION
11200 EAST 45TH AVENUE
DENVER, CO 80239

In re Application of	:
Clemens Van Himbeeck	:
Serial No.: 29/188,059	: PETITION DECISION
Filed: August 12, 2003	:
Attorney Docket No.: P69837	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 9, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 21, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by August 23, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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FOURTH FLOOR
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Ernst Pfaff	:	
Application No. 29/188,063	:	DECISION GRANTING PETITION
Filed: 13 August, 2003	:	
Attorney Docket No. PFAF3001	:	

This is a decision on the petition styled filed on 23 January, 2004, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 13 August, 2003.[1]

On 13 August, 2003, the application was deposited. The filing including, *inter alia*, one (1) page of specification and five (5) sheets of drawings, a declaration, and the design application filing fee.

On 12 November, 2003, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, the application did not include at least one claim in compliance with 35 U.S.C. § 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 U.S.C. § 112.

On 23 January, 2004, the present petition was filed whereby petitioner argues that a formal claim is not required. Petitioner requests that the application, be accorded a filing date of 13 August, 2003.

A review of the record reveals that no formal claim was included with the application papers deposited on 13 August, 2003. However, it is noted that the application papers deposited on 13 August, 2003, included a declaration stating that the inventor believes himself to be

"the original, first, and sole inventor . . . of the subject

[1] See MPEP 506.

matter which is claimed and for which a patent is sought on the invention entitled "Grinding machine" the specification of which [is attached hereto]"

The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes § 112 applicable to design applications. Section 112 requires that the " specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Thus, the requirement for a claim in a design application is not *pro forma*, but is a necessary part of a complete design application.

A formal claim was not included with the application when it was deposited. However, since this is a design application, the above-quoted language in the declaration can be construed as the claim required by 35 U.S.C. § 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this is a design application, and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for purposes of according this application a filing date of 13 August, 2003.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

The petition is granted.

It is noted, however, that no formal claim has been presented. A preliminary amendment adding a formal claim comprising the following language "The ornamental design for a Grinding machine as shown and described" is required.

Accordingly, applicant is given TWO (2) MONTHS from the date of this decision to file an amendment adding a formal claim to the specification filed on 13 August, 2003. **Failure to file the required amendment will result in abandonment of the application.**

This time period may be extended pursuant to 37 CFR 1.136(a). The amendment should be directed to Mail Stop Missing Parts.

The application is being forwarded to the Office of Initial Patent Examination to await receipt of the amendment required above. Upon receipt of the amendment, the application will be further processed with a filing date of 13 August, 2003, using the application papers filed on that date and the formal claim filed in response to this decision.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 13 August, 2003, using the application papers filed on that date, and the formal claim filed in response to this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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6/24/05

BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

In re Application of
Alvin Yeuk Au Yuen
Serial No.: 29/188,068
Filed: August 12, 2003
Attorney Docket No.: OWT 0188 DUS

: PETITION DECISION

This is in response to applicant's Petition to Revive Erroneously Abandoned Application, which is being treated as a Petition to Withdraw Abandonment under 37 CFR 1.181 submitted March 29, 2005.

A review of the file history shows that an Office action was mailed August 10, 2004, setting a two month shortened statutory period of time to respond. As no response was received by October 12, 2004, a Notice of Abandonment was mailed March 10, 2005.

Applicant has stated he did timely respond to the Office action, and has submitted a copy of the response, which includes a Certificate of Mailing date of October 6, 2004 and a stamped Post Card Receipt from the Office. Therefore, the case will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of
Tate E. Kuerbis
Serial No.: 29/188,159
Filed: August 13, 2003
For: Side Element Of A Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on August 13, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JUN 07 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of	:	
Scott Patt	:	
Serial No.: 29/188,173	:	DECISION ON PETITION
Filed: August 14, 2003	:	
For: Side Element Of A Shoe Upper	:	

This is in response to the petition applicant filed on August 14, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

COPY MAILED

MAR 27 2007

OFFICE OF PETITIONS

In re Application of :
Mitchell T. Kelldorf :
Application No. 29/188,210 : DECISION ON PETITION
Filed: August 15, 2003 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket No.: :
06213.0005.NPUS00 :
Title: WASTE CAN COVER :

This is a decision on the petition filed December 1, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 16, 2005, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time are permitted for transmitting issue fees[2]. Accordingly, the above-identified application became abandoned on March 17, 2006. A Notice of Abandonment was mailed on May 4, 2006.

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1 A grantable petition pursuant to 37 C.F.R. §1.137(b) 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(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 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 (d) of this section.

2 See MPEP §710.02(e).

The present petition pursuant to 37 C.F.R. §1.137(b) was received on December 1, 2006, along with the petition fee, the issue fee, and the proper statement of unintentional delay.

Petitioner has met requirements one through three of Rule §1.137(b). Regarding the fourth requirement, Petitioner has incorrectly set forth "since this utility/plant application (emphasis added) was filed on or after June 8, 1995, no terminal disclaimer is required[3]." The present application is a design application, and not a utility or plant application. As such, a terminal disclaimer and the associated fee are required. See 37 C.F.R §§1.137(b)(4) and (d).

It follows that this petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition 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].

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.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence

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3 Petition, page 2.
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.

related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-32257. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

cc: Tracy W. Druce
1000 Louisiana Street
Fifty-Third Floor
Houston, Texas 77002

---

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

HOUSTON OFFICE OF
NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

COPY MAILED

JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Mitchell T. Kelldorf	:	
Application No. 29/188,210	:	DECISION ON RENEWED PETITION
Filed: August 15, 2003	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket No.:	:	
06213.0005.NPUS00	:	
Title: WASTE CAN COVER	:	

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application, filed on October 23, 2007.

This renewed petition is **GRANTED**.

The concurrently submitted Change of Correspondence Address has been entered and made of record.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed December 16, 2005, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time are permitted for transmitting issue fees[1]. Accordingly, the above-identified application became abandoned on March 17, 2006. A Notice of Abandonment was mailed on May 4, 2006.

1 See MPEP § 710.02(e).

A grantable petition pursuant to 37 C.F.R § 1.137(b) 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 37 C.F.R § 1.17(m);
(2) 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;
(3) Any terminal disclaimer (and fee as set forth in 37 C.F.R § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was received on December 1, 2006, along with the petition fee, the issue fee, and the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on March 27, 2007, for failure to submit either a terminal disclaimer or the associated fee, pursuant to 37 C.F.R §§ 1.137(b)(4) and (d).

With this renewed petition, Petitioner has included both the required terminal disclaimer and the associated fee. Petitioner has also included a five-month extension of time, so as to make timely this response.

Pursuant to this decision, the Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John G. Chupa
Law Offices of John Chupa & Associates, P.C.
Suite 50
28535 Orchard Lake Road
Farmington Hills MI 48334

In re Application of
Robert Bores
Serial No.: 29/188,252
Filed: August 13, 2003
Attorney Docket No.: 546-002

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted October 25, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted; however, applicant labeled the petition with the incorrect serial number.

This application became abandoned for failure to respond to the Notice to File Missing Parts mailed November 17, 2003, which set a two-month period to respond. As no response was received by January 20, 2004, a Notice of Abandonment was mailed October 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for initial examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 31 2005

John G. Chupa
Law Offices of John Chupa & Associates, P.C.
Suite 50
28535 Orchard Lake Road
Farmington Hills MI 48334

In re Application of
Robert Bores
Serial No.: 29/188,252
Filed: August 13, 2003
Attorney Docket No.: 546-002

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted October 25, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted; however, applicant labeled the petition with the incorrect serial number.

This application became abandoned for failure to respond to the Notice to File Missing Parts mailed November 17, 2003, which set a two-month period to respond. As no response was received by January 20, 2004, a Notice of Abandonment was mailed October 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for initial examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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

BRUCE S. SHAPIRO – TW199
SR. GROUP PATENT COUNSEL
THE BLACK & DECKER CORPORATION
701 E. JOPPA ROAD
TOWSON, MD 21286

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JUL 3 1 2006
OFFICE OF PETITIONS

In re Application of :
Vincent P. Cooper :
Application No. 29/188,255 : ON PETITION
Filed: August 15, 2003 :
Attorney Docket No. D-US-TN 3600 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2004 to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed May 20, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 21, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAEYAERT & MAEYAERT
2091 COUNTY ROAD D EAST
SUITE C-100
MAPLEWOOD MN 55109

COPY MAILED

FEB 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Hollaren et al.	:	
Application No. 29/188,256	:	ON PETITION
Filed: August 15, 2003	:	
Attorney Docket No. MMB419	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 17, 2006, to revive the above-identified application. The Office regrets the delay in acting on the instant petition.

The petition is **GRANTED.**

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Walsh
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

MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

6/24/05

In re Application of
Michael M. Potempa :
Serial No.: 29/188,306 :
Filed: August 15, 2003 : PETITION DECISION
Attorney Docket No.: 29641/39584 :
:

This is in response to applicant's Petition to Withdraw Holding of Abandonment filed under 37 CFR 1.181, filed March 14, 2005, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed September 21, 2004, setting a three month statutory period to pay the Issue fee. As no response was received by December 21, 2004, a Notice of Abandonment was mailed on February 18, 2005.

Applicant has submitted copies of the docket record and file wrapper, as well as submitted a copy of the Issue Fee Transmittal that includes a Certificate of Mailing date of December 20, 2004. Therefore, the application will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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MAY 2 4 2004

OFFICE OF PETITIONS

In re Application of :
Richard E. Corney :
Application No. 29/188,329 : DECISION REFUSING STATUS
Filed: August 14, 2003 : UNDER 37 CFR 1.47(b)
For: THEFT DETERRENT STRAP :
:

This is in response to the petition under 37 CFR 1.47(b), filed March 17, 2004 (Certificate of Mailing date: March 15, 2004).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on August 14, 2003, without an executed oath or declaration and naming Richard E. Corney as the sole inventor.

Accordingly, on November 14, 2003, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on March 17, 2004, the instant petition and a two (2) month extension of time were filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;

(2) an acceptable oath or declaration;

(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 (1), and (5), as set forth above.

As to item (1), applicant appears to demonstrate that the non-signing inventor was only presented with the declaration. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. See Manual of Patent Examining Procedure, Section 409.03(d). Petitioner should show that a copy of the application papers was presented to the inventor, but that he did not respond to, or refused, the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

As to item (5), Rule 47 applicant failed to show or provide proof that Alpha Security Products, Inc., has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and Alpha Security Products, Inc., a copy of an assignment agreement showing that the invention disclosed in the application is assigned to Alpha Security Products, Inc., or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to Alpha Security Products, Inc.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

Telephone inquiries should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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

SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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OCT 29 2004

OFFICE OF PETITIONS

In re Application of :
Richard E. Corney :
Application No. 29/188,329 : DECISION GRANTING PETITION
Filed: August 14, 2003 : UNDER 37 CFR 1.47(b)
For: THEFT DETERRENT STRAP :
:

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(b)," filed October 1, 2004.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Joseph A. Sebolt, attorney of record, establishes that the inventor was mailed a copy of the application papers, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Alpha Security Products, Inc. has a proprietary interest in the above-identified application with the memorandum of law establishing that a court of competent jurisdiction would award title to Alpha Security Products, Inc. The petition fee has been paid. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application will be forwarded Technology Center 2900 for examination *in due course*.

Telephone inquiries regarding this communication should be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/188,368	08/14/2003	2912	235	1629/0N101	7	1	1

CONFIRMATION NO. 3259

DARBY & DARBY P.C.
Post Office Box 5257
New York, NY 10150-5257

UPDATED FILING RECEIPT

OC000000012220002

Date Mailed: 03/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Young Rae Kim, Kyoungki-do, KOREA, REPUBLIC OF;

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2003-3896 02/14/2003

If Required, Foreign Filing License Granted: 11/05/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Valve body of gas overcharge prevention system

Preliminary Class

D23

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

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

Darby & Darby P.C.
P.O. Box 5257
New York, NY 10150-5257

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AUG 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Young R. Kim :
Application No. 29/188,368 : DECISION GRANTING PETITION
Filed: August 14, 2003 :
Attorney Docket No. 01629/000N101-US0 :

This is a decision on the paper entitled "REQUEST TO ACCORD EARLIER FILING DATE" filed on November 26, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the USPS that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

The petition included a statement that the application papers would have been deposited with the

United States Postal Service on August 14, 2003, but for the designated interruption in the "Express Mail" service.

In view of the circumstances, the petition is granted. No petition fee is required.

The filing date of the application has already been corrected to August 14, 2003, and a corrected filing receipt was previously mailed on March 30, 2004.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257

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AUG 23 2005

OFFICE OF PETITIONS

In re Application of :
Kim :
Application No. 29/188,370 : DECISION GRANTING PETITION
Filed: August 14, 2003 :
Attorney Docket No. 01629/000N104US0 :

This is a decision on the "REQUEST FOR CORRECTED FILING RECEIPT" filed by facsimile on April 20, 2005 and the "REQUEST TO ACCORD EARLIER FILING DATE" filed on November 26, 2003, requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the United States Postal Service (USPS) that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 *Off. Gaz. Pat. Office* 105 (September 16, 2003).

The petition included a statement that the application papers would have been deposited with the United States Postal Service on August 14, 2003, but for the designated interruption in "Express

Mail" service.

In view of the circumstances, the petition is granted. No petition fee is required.

After mailing of this decision, Initial Patent Examination Division will correct the filing date of the application to **August 14, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-7727.

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/188,371	08/14/2003	2911	235	1629/0N106	5	1	1

CONFIRMATION NO. 3255

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

UPDATED FILING RECEIPT

OC000000013635729

Date Mailed: 08/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Young Rae Kim, Kyoungki-do, KOREA, REPUBLIC OF;

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2003-15128 05/30/2003

If Required, Foreign Filing License Granted: 11/05/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Lower body of float guage head

Preliminary Class

D10

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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NEW YORK, NY 10150-5257

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OFFICE OF PETITIONS

In re Patent No. D495,265	:
Issue Date: August 31, 2004	: DECISION GRANTING
Application No. 29/188,374	: PETITION
Filed: August 14, 2003	:
Attorney Docket No. 01629/000N103	:

This is a decision on the paper styled "REQUEST TO ACCORD EARLIER FILING DATE," filed November 26, 2003, which is being treated as a submission under 37 CFR 1.6(e) requesting that the above-identified application be accorded a filing date of August 14, 2003, rather than the presently accorded filing date of August 18, 2003.

The USPTO is aware that due to the power outage throughout the Northeast and Midwest on August 14, 2003, a number of post offices throughout the Northeast and Midwest United States were closed or were not accepting mail. Therefore, the USPTO has terminated the designation of this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR 1.6(e).[1]

The submission filed November 26, 2003, states that the application papers would have been deposited on August 14, 2003, and accorded that date as the "date-in," but for the designated interruption in the "Express Mail" service of the USPS. Under 37 CFR 1.10(a), correspondence received by the USPTO that was delivered by the "Express Mail Post Office to Addressee" service of the USPS is considered filed in the Office on the date of deposit with the USPS shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. Based on the submission filed November 26 , 2003, it is concluded that the present application would have been filed on August 14, 2003, if it were not for the designated interruption in the USPS. Accordingly, the instant application file is entitled to a filing date of August 14, 2003, and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Files Repository.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] *See* Official Gazette of September 16, 2003

United States Patent and Trademark Office OG Notices: 16 September 2003

United States Postal Service
Interruptions and Emergency Terminated

The power outage on Thursday, August 14, 2003, resulted in a number of United States Postal Service (USPS) post offices throughout the Northeast and Midwest United States being closed or not accepting mail. The United States Patent and Trademark Office (USPTO) published a notice on Friday, August 15, 2003, on its Internet Web site designating this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). The USPS has notified the USPTO that this interruption in the service of the USPS ended on Saturday, August 16, 2003. Therefore, the USPTO has terminated the designation of this interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e).

Correspondence that would have been filed with the USPTO under 37 CFR 1.10 on Thursday, August 14, 2003, through Saturday, August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on Thursday, August 14, 2003, Friday, August 15, 2003, or on Saturday, August 16, 2003, but for this designated interruption in the "Express Mail" service of the USPS.

The provisions of 35 U.S.C. 21(a) and 37 CFR 1.6(e) apply only to postal interruptions and emergencies. The provisions of 35 U.S.C. 21(a) and 37 CFR 1.6(e) do not provide for the granting of a filing date to correspondence as of the date on which it would have been filed but for other exigencies, such as the unavailability of a computer or word processing equipment, or the inaccessibility of an office or building other than a USPS facility.

Inquiries concerning this notice may be directed to Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-5586.

August 19, 2003

JON W. DUDAS for
JAMES E. ROGAN
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

The following notice was published August 15, 2003, on the USPTO's Internet Web site (www.uspto.gov)

UNITED STATES POSTAL SERVICE INTERRUPTIONS

The United States Postal Service (USPS) has informed the United States Patent and Trademark Office (USPTO) that as a result of the power outage on Thursday, August 14, 2003, a number of post offices throughout the Northeast and Midwest United States are closed or are not accepting mail. The USPTO is designating the interruption in the service of the USPS as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 C.F.R. 1.6(e). As soon as the USPTO receives further information from the USPS as to when postal services in the

affected areas will be resumed, the USPTO will post the information on the USPTO's Internet Web site at www.uspto.gov and a final notice will be published in the Official Gazette.

Correspondence that would have been filed with the USPTO under 37 CFR 1.10 during this USPS service interruption, but which was not filed due to the USPS service interruption, should be filed promptly after the termination of the USPS service interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service.

Inquiries concerning this notice may be directed to Eugenia Jones by e-mail at eugenia.jones@uspto.gov or telephone at 703-306-5586.

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HANSON, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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SEP 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Hisato Katoh :
Application No. 29/188,376 : ON PETITION
Filed: August 18, 2003 :
Attorney Docket No. 0388-031583 :

This is a decision on the petition, filed September 9, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on September 3, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed September 9, 2004.

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The above matter will be referred to Technology Center Art Unit 2913 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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WILLIAM J. SAPONE, ESQ
COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGEPORT, CT 06605-1601

FEB 12 2005

In re Application of
Victoria P. Roberts
Serial No.: 29/188,388
Filed: August 18, 2003
Attorney Docket No.: 488/9-1846

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) filed April 20, 2004, to revive an unintentionally abandoned application. The extreme delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 12, 2004, which set a three-month statutory period to pay the Issue fee. As no response had been received by April 12, 2004, the application was abandoned; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 04-0838, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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2005

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

In re Application of
Stephen Edward McKee
Serial No.: 29/188,416
Filed: August 18, 2003
Attorney Docket No.: D-854

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 26, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 26, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was received May 6, 2004; however, as no formal drawings were submitted by June 28, 2004, a Notice of Abandonment was mailed October 21, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Tsung-Hsien Lin, et al. :
Application No. 29/188,495 : ON PETITION
Filed: August 20, 2003 :
Attorney Docket No. 3073/71 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "**Renewed Petition under 37 CFR 1.137(b).**" This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

It is noted that petitioner has tendered the small entity amount for the petition and issue fees. However, there is nothing in USPTO records indicating that the application is entitled to small entity status. Therefore, the remaining balance of $750 for the petition fee and $400 for the issue fee is due upon the filing of the "renewed petition." An attempt was made to charge petitioner's deposit account for the remaining balance; however, the deposit account did not have sufficient funds to complete the transaction.

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: (703) 872-9306
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 105
ALEXANDRIA, VA 22314

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OFFICE OF PETITIONS

In re Application of :
Tsung-Hsien Lin, et al. :
Application No. 29/188,495 : ON PETITION
Filed: August 20, 2003 :
Attorney Docket No. 3073/71 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 11, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed September 23, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on December 23, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being forwarded to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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6/24/05

JOHN S PRATT
KILPATRICK STOCKTON LLP (PANASONIC-MCUSA)
1100 PEACHTREE STREET
ATLANTA, GA 30309

In re Application of
Randall O. Tyner Jr.
Serial No.: 29/188,507
Filed: August 20, 2003
Attorney Docket No.: 51709/286884

: PETITION DECISION

This is in response to applicant's Petition for Revival of Application Unintentionally Abandoned under 37 CFR 1.137(b), filed March 15, 2005, for failure to pay the Issue fee.

A review of the file history shows that a Notice of Allowance and Issue Fee Due were mailed September 14, 2004. Applicant filed a CPA on October 15, 2004, and a Notice of Allowability was mailed December 18, 2004. However, the new Notice of Allowance and Issue Fee Due has still not been mailed; therefore, as applicant has not received an Issue fee transmittal, the issue fee is still not due. Therefore, the application has not been abandoned.

Applicant's petition is **MOOT.**

The application will be promptly forwarded to the Examiner, for mailing of the Notice of Allowance and Issue Fee Due in due course.

The Petition fee of $1500.00 and the Terminal Disclaimer fee of $130.00 will be refunded to applicant's Deposit Account 11-0855, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Paper No.

JOHN S. PRATT
KILPATRICK STOCKTON LLP (PANASONIC-MCUSA)
1100 PEACHTREE STREET
ATLANTA, GA 30309

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MAR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Tyner et al.
Application No. 29/188,512
Filed: August 20, 2003
Attorney Docket No. 51709/286889

DECISION ON PETITION

This is a decision on the "PETITION TO ACCORD A FILING DATE UNDER 37 CFR 1.53(e)(2) AND LATE SUBMISSION OF THE EXECUTED DECLARATION," filed January 2, 2004. Petitioner request that the Office accord the above-identified application a filing date of August 20, 2003.

Application papers in the above-identified application were deposited on August 20, 2003. However, on October 29, 2003, the Initial Patent Examination Division mailed applicants a NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION. Applicants were thereby notified, *inter alia*, that the application papers had not been accorded a filing date because the application was deposited without drawings. (In addition, applicants were advised that the declaration received was unsigned.)

In response, applicant filed the instant petition (and petition fee). Applicant contends that a drawing was submitted. In support thereof, petitioner submitted a copy of their return postcard from the USPTO.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioners' postcard receipt reveals that: 1) it was date stamped as received in the USPTO on August 20, 2003, and the items filed therewith were assigned Application No. 29/188,512; 2) it specifically identifies the items being filed, including "1 page of formal drawings" and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioners have shown that the items denoted, including the 1 sheet of formal drawings, were filed on August 20, 2003.

Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, petitioner's request to refund the petition fee is granted. The fee will be credited to Deposit Account No. 11-0855, as authorized.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for:

- further processing with a filing date of August 20, 2003 using the application papers received in the Office and presently accorded that date; and figure 1 resubmitted on petition filed January 2, 2004;
- for indication in Office records that 1 sheet of drawings was present in the application on filing; and
- processing of the executed declaration received January 2, 2004, in response to the Notice mailed October 29, 2003.

Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to the undersigned at 703-305-0309.

Nancy Johnson
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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JUN 25 2004

JOHN W. RYAN
C/O DECHERT LLP
PRINCETON PIKE CORPORATION CENTER
P.O. BOX 5218
PRINCETON NJ 08543-5218

In re Application of	:	
Thierry DeBaschmakoff	:	
Serial No.: 29/188,532	:	**REQUEST FOR EXPEDITED**
Filed: August 20, 2003	:	**EXAMINATION**
For: Backpack Design	:	

This is in response to the Request for expedited examination applicant filed June 15, 2004 to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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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JUN 25 2004

JOHN W. RYAN
C/O DECHERT LLP
PRINCETON PIKE CORPORATION CENTER
P.O. BOX 5218
PRINCETON NJ 08543-5218

In re Application of	:	
Thierry DeBaschmakoff	:	
Serial No.: 29/188,533	:	**REQUEST FOR EXPEDITED**
Filed: August 20, 2003	:	**EXAMINATION**
For: D D Day Bag Design	:	

This is in response to the Request for expedited examination applicant filed June 15, 2004 to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JUN 25 2004

JOHN W. RYAN
C/O DECHERT LLP
PRINCETON PIKE CORPORATION CENTER
P.O. BOX 5218
PRINCETON NJ 08543-5218

In re Application of	:	
Thierry DeBaschmakoff	:	
Serial No.: 29/188,534	:	**REQUEST FOR EXPEDITED**
Filed: August 20, 2003	:	**EXAMINATION**
For: D D Day Closed Bag Design	:	

This is in response to the Request for expedited examination applicant filed June 15, 2004 to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : July 22, 2005

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D496146

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Joel Sincavage **Art Unit** 2913

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March 15, 2004

In re Application of	:	
Dale Peterson et al.	:	
Serial Number : 29/188,556	:	WITHDRAWAL
Filed : August 19, 2003	:	FROM
For : HUTCH	:	ISSUE

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee to applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action. Telephone inquires may be directed to Joel Sincavage at 571-272-2610.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Clifford A. Ulrich
Kenyon & Kenyon
One Broadway
New York, NY 10004

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YOUNG & THOMPSON
745 SOUTH 23RD STREET, 2ND FLOOR
ARLINGTON, VA 22202

In re Application of	:
Giampiero Bodino	:
Serial No.: 29/188,601	: PETITION DECISION
Filed: August 21, 2003	:
Attorney Docket No.: 5001-1117	:

This is a decision on applicant's Request for Withdrawal of Notice of Abandonment, with is being treated as a Petition for under 37 CFR 1.181 submitted August 10, 2004 to revive an unavoidably abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed March 19, 2004 which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted June 9, 2004; however, as no formal drawings were received by June 21, 2004, a Notice of Abandonment was mailed August 4, 2004. Applicant then filed this petition.

Applicant has submitted that the formal drawings were timely filed, and has submitted copies of the response and a return receipt post card which show that the formal drawings were timely submitted on April 30, 2004. These papers were eventually matched with the application; therefore, the abandonment of the application was clearly in error.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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6/24/05

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

In re Application of
Kenneth A. Harbaugh
Serial No.: 29/188,608
Filed: August 21, 2003
Attorney Docket No.: 45639/287886

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) filed March 18, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed September 29, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was filed December 2, 2004; however, as no formal drawings were submitted by December 29, 2004, a Notice of Abandonment was mailed February 18, 2005. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

In re Application of
Kenneth A. Harbaugh
Serial No.: 29/188,609
Filed: August 21, 2003
Attorney Docket No.: 45639/287889

: PETITION DECISION

This is a decision on applicant's renewed Petition under 37 CFR 1.137(b) received October 12, 2004, to revive an unintentionally abandoned application.

A review of this application shows that an Office action was mailed January 13, 2004, giving applicant a 2 month shortened statutory period to respond. As no response was received by March 15, 2004, a Notice of Abandonment was mailed July 26, 2004. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA GA 30309

In re Application of
Kenneth A. Harbaugh :
Serial No.: 29/188,609 :
Filed: August 21, 2003 : PETITION DECISION
Attorney Docket No.: 45639/287889 :
:

This is a decision on applicant's renewed Petition under 37 CFR 1.137(b) received October 12, 2004, to revive an unintentionally abandoned application.

A review of this application shows that an Office action was mailed January 13, 2004, giving applicant a 2 month shortened statutory period to respond. As no response was received by March 15, 2004, a Notice of Abandonment was mailed July 26, 2004. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Sandra Morris for
John Kittle
Director, Technology Center 3700/2900

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JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

6/24/05

In re Application of
Kenneth A Harbaugh
Serial No.: 29/188,610
Filed: August 21, 2003
Attorney Docket No.: 45639/287885

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 28, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed September 27, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by December 27, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The complete petition fee was received May 16, 2005. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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STINSON MORRISON HECKLER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY, MO 64106-2150

FEB 12 2005

In re Application of
Brett A. Sneed
Serial No.: 29/188,652
Filed: August 21, 2003
Attorney Docket No.: 801527-0042

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) filed November 24, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 21, 2004, which set a three-month statutory period to pay the Issue fee. Applicant filed a Request for Continued Prosecution on July 27, 2004 which was denied, as RCE's do not apply to design patent applications. Applicant was informed that this was improper on August 20, 2004; therefore, as a proper response had been received by July 21, 2004, the application was abandoned; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 19-4409, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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CHICAGO, IL 60606-1080

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OFFICE OF PETITIONS

In re Patent No. D525737 :
Issue Date: August 22, 2003 :
Application No. 29/188,751 : NOTICE
Filed: August 22, 2003 :
Attorney Docket No. 04266000-0359

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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OFFICE OF PETITIONS

In re Patent No. D514251 :
Issue Date: January 31, 2006 :
Application No. 29/188,753 : NOTICE
Filed: August 22, 2003 :
Attorney Docket No. 04266000-0361

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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Chicago, IL 60606-1080

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OFFICE OF PETITIONS

In re Application of :
Scott L. Roos, et al. :
Application No. 29/188,783 : ON PETITION
Filed: August 22, 2003 :
Attorney Docket No. 04266000-0360 :

This is a decision on the petition, filed July 19, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is "Juno Manufacturing, Inc." and that an incorrect assignee's name was unintentionally included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to "Juno Manufacturing, Inc."

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

[1] *See* Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to "Juno Manufacturing, Inc." has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that "Juno Manufacturing, Inc." was the assignee of record at the time of issuance of the application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above and **after issuance of this application into a patent, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth "Juno Manufacturing, Inc." as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Alternatively, if petitioner desires to have the correct assignee data appear on the front page of the Letters Patent, petitioner may wish to consider filing a petition to withdraw the subject application from issue under 37 CFR 1.313(c)(2). The petition to withdraw from issue under 37 CFR 1.313(c)(2) must be accompanied by a request for continued examination (RCE) and submission (which may be a request under 37 CFR 3.81(b)).

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3223. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

In re Patent No. D,504,974 :
Issue Date: May 10, 2005 :
Application No. 29/188,790 : NOTICE
Filed: August 22, 2003 :
Patentee(s): Bruce N. Layne :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 15, 2006. 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**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. D508,752 :
Issued: 08/23/2005 :
Application No. 29/188792 : ON PETITION
Filed: 08/22/2003 :
Atty. Docket No. 04266000-0362 :

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 15 August, 2006.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

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**.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. D510641	:	
Issued: 10/11/2005	:	
Application No. 29/188793	:	ON PETITION
Filed: 08/22/2003	:	
Atty. Docket No. 04266000-0357	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 22 August, 2006.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

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**.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Patent No. D514738	:	
Issued: 02/07/2006	:	
Application No. 29/188799	:	ON PETITION
Filed: 08/22/2003	:	
Atty. Docket No. 04266000-0356	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 22 August, 2006.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

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**.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/10/04

TO SPE OF : ART UNIT 2918

SUBJECT : Request for Certificate of Correction on Patent No.: 29/188869 D494330

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

STELLA REID
SUPERVISORY DESIGN EXAMINER

SPE 2912 **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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8/23/05

MICHAEL G. FLETCHER
P.O. BOX 692289
HOUSTON TX

In re Application of
John D. Mabry :
Serial No.: 29/188,881 :
Filed: August 26, 2003 : PETITION DECISION
Attorney Docket No.: :
THOM:0018/BLT/VYA :

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received July 25, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Office action mailed December 27, 2004. A response was filed March 3, 2005, which applicant was advised in the Advisory Action of May 26, 2005 that the response did not overcome the Final rejection. A Notice of Abandonment was mailed July 12, 2005; this petition followed.

Applicant's petition is **GRANTED**.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The filing of a CPA is considered a proper response. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

The terminal disclaimer fee of $130.00 will be refunded to applicant's Deposit Account 06-1315, as directed.

The application will be forwarded for processing into a CPA in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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DEC 15 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ATTENTION: DAVID I. GRENBAUM, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

In re Application of	:
Moshe Hodara	:
Serial No.: 29/188,886	: PETITION DECISION
Filed: August 25, 2003	:
Attorney Docket No.: MAYF 0306371	:

This is in response to applicant's Petition to Withhold Abandonment, which is being treated as a Petition under 37 CFR 1.181, filed October 21, 2004.

A review of the file history shows that a Notice to File Missing Parts was mailed November 6, 2003, setting a two month period to submit a signed oath or declaration and a surcharge. As no response was submitted by January 6, 2004, a Notice of Abandonment was mailed on October 14, 2004.

Applicant has provided a copy of the response, which includes a Certificate of Mailing, and a Post Card Receipt with the Office date stamp of January 21, 2004 with an extension of time. The response was eventually matched with the application; therefore, the response was timely filed, and the application was clearly abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

COPY MAILED

AUG 30 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert Phillip Griffiths :
Application No. 29/188,928 :
Filed: August 25, 2003 :
Attorney Docket No. **9764-16US (12717/GW)** :

This is a decision on the petition filed March 27, 2006, to revive the above identified application under 37 CFR 1.137(b)[1].

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[2] mailed on August 10, 2005, which set a two (2) month period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The petition fee in the amount of $1500.00 has been applied to the finance records for the instant patent application.

The amendment filed in response to the Office Action mailed August 10, 2005 will be referred to Technology Center 2915 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2] 1935 C.D. 11, 453 O.G. 213.

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ALEXANDRIA, VA 22313-1450
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Keith Kline
PRO-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga CA 95070-3018

MAR 25 2005

In re Application of
Hua Wen Hsu :
Serial No.: 29/188,940 :
Filed: August 25, 2003 : PETITION DECISION
Attorney Docket No.: 1122039 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received July 27, 2004, to revive an unintentionally abandoned application. The extreme delay in acting upon this petition is regretted.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed January 13, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was submitted April 7, 2004; however, as no formal drawings were received by April 31, 2004, a Notice of Abandonment was mailed June 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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SEP 29 2005

OFFICE OF PETITIONS

LEACH PATENT SERVICES
5 EAST ALDINE DRIVE
HOCKESSIN, DE 19707

In re Patent No. D500940
Application No. 29/188,944
Filing Date: August 26, 2003
Issue Date: January 18, 2005
Attorney Docket No.

DECISION GRANTING PETITION

This is a decision on the petition filed September 15, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

The fee for the request is $130.00 and the fee for the certificate of correction is $100.00. These amounts will be deducted from the $400.00 remitted on September 15, 2005, and $170.00 will be refunded, in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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11-27-06

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

In re Application of
BERGIN, PETER W.A.
Serial No.: 29/188,947
Filed: August 26, 2003

: PETITION DECISION

This is a decision on the petition filed August 23, 2006 pursuant to 37 CFR 1.144, from the final restriction requirement made by the examiner on May 16, 2006.

The Petition is DENIED.

Applicant discloses three embodiment:

Embodiment 1 - Figs. 1-5

Embodiment 2 - Fig. 6

Embodiment 3 - Fig. 7

The examiner determined each embodiment is patentably distinct from the others. The examiner states two reasons for for his conclusion. First, the 2nd and 3rd embodiments differ significantly in scope from the first embodiment because embodiments 2 and 3 lack any disclosure of the appearance of the rear. Second, embodiments 2 and 3 have appearances which patentably distinguish them from one another.

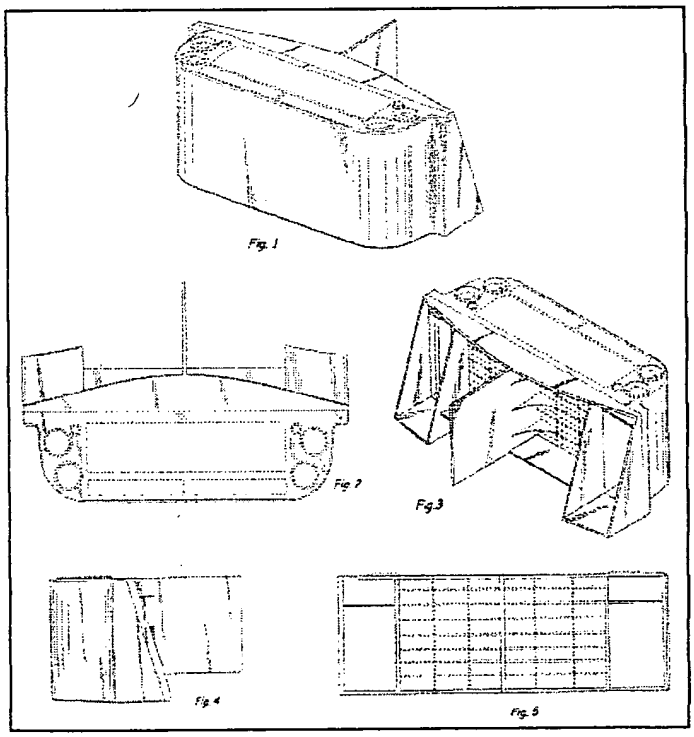
Applicant submits that the embodiments of FIGS. 6 and 7 and of FIGS. 1-5 have overall appearances that are basically the same, and the difference in scope is minor and not a patentable distinction. Further applicant submits the overall appearance of each of these three embodiments is the same, because they are identical except for minor variations in the shape of a single edge thereof, the effect of which on the overall appearance is negligible.

In design practice the term "distinct inventions" means patentably distinct designs according to the standard of obviousness-type double patenting. In determining patentable distinction the examiner must compare the overall appearances of the two designs. The designs must be considered as a whole, i.e., the elements of the designs are not considered individually as they

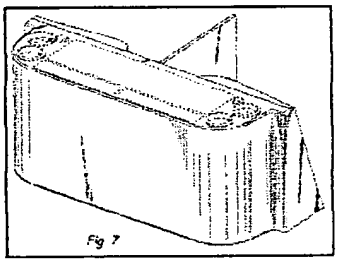
may be when establishing a prima facie case of obviousness under 35 U.S.C. 103(a). Designs are not distinct inventions if: 1) The two designs have overall appearances with basically the same design characteristics; and 2) The differences between the two designs are insufficient to patentably distinguish one design from the other. Differences may be considered patentably insufficient when they are de minimis or obvious to a designer of ordinary skill in the art in view of analogous prior art or case law. Differences between the designs may prove to be obvious in view of prior art, but if the overall appearances are not basically the same, the designs remain patentably distinct. Embodiments claiming different scopes of the same design can be patentably distinct using the two-step analysis above.

The overall appearance presented by views of embodiment 1 is significantly different from the overall appearance of embodiments 2 or 3. Figures 2, 3, 4 and 5 of embodiment 1 clearly include details not seen in embodiments 2 or 3. The details present in embodiment 1,which are absent from embodiments 2 and 3, are neither insignificant nor obvious. Therefore embodiment 1 is patentably distinct from embodiments 2 and 3.

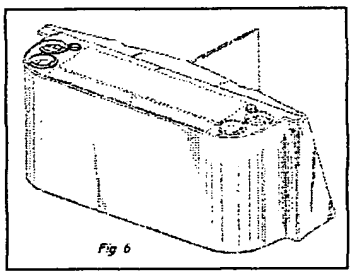
Embodiment 1



Embodiment 2



Embodiment 3



The overall appearances presented by the single views of embodiments 2 and 3 respectively show basically a holder the same design characteristics. However the differences between the two designs are sufficient to patentably distinguish one design from the other.

In Fig. 7 the upper rear edge at **A** terminates against the main body in a smooth radius. Feature **A** in Fig. 6 bears no similarity to its Fig. 7 counterpart. In Fig. 7 the central vertical wall meets the rear of the main body at a right angle at **B**. Fig. 6 has a very different appearance at **B** showing a curved flange connecting the central vertical wall with feature **A**. In Fig. 7 the central vertical wall at **C** extends uninterrupted to meet the rear of the main body. In Fig. 6 the curved flange at **B** noticeably shortens the central vertical wall. Finally, Fig. 6 includes three circular features at **D** as part of the claimed design. These features are not claimed in Fig. 7. The differences at **A**, **B**, **C** and **D** clearly affect the overall appearance and are not obvious in view of prior art or case law. Therefore embodiment 2 is patentably distinct from embodiment 3.

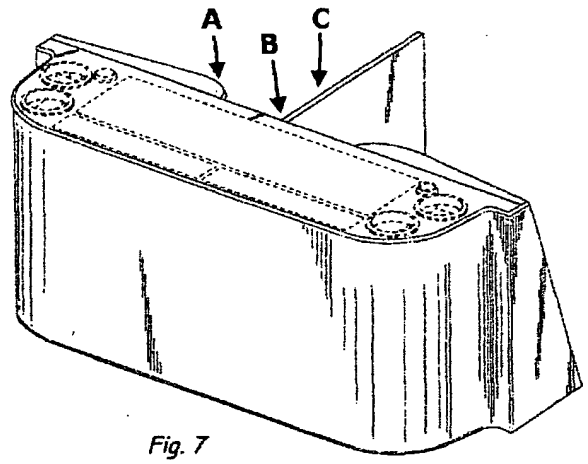


Fig. 7

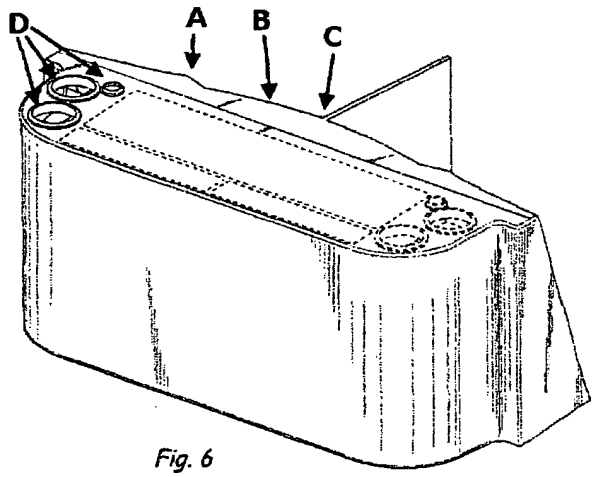


Fig. 6

For the reasons set forth above the requirement for restriction is considered proper.

Should there be any questions with regard to this letter please contact Joel Sincavage by letter addressed to the Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2610.

Jacqueline M. Stone
Director, Technology Center 1700/2900

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NOV 17 2004

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE #101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS MI 48304-5151

In re Application of	:	
Scott D. Best et al	:	
Serial No.: 29/189,010	:	PETITION DECISION
Filed: August 27, 2003	:	WITHDRAWAL FROM ISSUE
For: Promotional Assembly	:	UNDER 37 CFR 1.313

This is in response to the petition filed September 15, 2004 to withdrawal application from issue under the provisions of 37 CFR 1.313.

The petition is **GRANTED**.

The application is being withdrawn for consideration of Supplemental Information Disclosure Statement (IDS).

PTO records reveal that the issue fee has not been paid. If the fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the Examiner for action.

John E. Kittle
Director
Technology Center 3700/2900

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

FEB 25 2005

In re Application of
Takao Okada
Serial No.: 29/189,064
Filed: August 28, 2003
Attorney Docket No.: 9353/134

: PETITION DECISION

This is in response to applicant's renewed Petition under 37 CFR 1.181, filed August 10, 2004, based on not having received a copy of the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice of Allowance was mailed February 10, 2004, setting a three month statutory period to pay the Issue fee. As no response was received by May 10, 2004, a Notice of Abandonment was mailed on July 13, 2004.

Applicant has submitted docket records, which provides evidence showing that the Notice of Allowance was never received. Therefore, the Notice of Abandonment will be rescinded and the application will be returned to pending status. Applicant submitted the Issue fee on September 23, 2004.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications Branch for issuance into a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/189,096	08/28/2003	2913	165	DOR-001	15	1	1

CONFIRMATION NO. 8451

CORRECTED FILING RECEIPT

OC000000011730378

Kenneth J Lukacher Esq
South Winton Court
Suite 204
3136 Winton Road South
Rochester, NY 14623

Date Mailed: 01/21/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Gerald H. Doran, Rochester, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/02/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Container storage organizers

Preliminary Class

D09

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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JAN 16 2004

Charles H. Helein, Esquire, POA
The Helein Law Group
8180 Greensboro Dr., Ste. 700
McLean VA 22012

In re Application of :
Ben Lowinger :
Serial No.: 29/189,104 :
Filed: August 29, 2003 :
For: X3X TWO-WAY WRIST RADIO: WATCH DEVICE :

REQUEST FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed January 12, 2004, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JAN 15 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of	:	
David Dombrow	:	
Serial No.: 29/189,156	:	DECISION ON PETITION
Filed: August 29, 2003	:	
For: Side Element Of A Shoe Upper	:	

This is in response to the petition applicant filed on August 29, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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

In re Application of
Angela M Krahner :
Serial No.: 29/189,169 :
Filed: August 29, 2003 : PETITION DECISION
Attorney Docket No.: DJORTH.213DA :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 16, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed July 1, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee and substitute drawings were submitted September 30, 2004; however, the drawings were not approved as overcoming the Examiner's drawing objection, as noted in the response November 17, 2004. Therefore, as a complete response was not submitted by October 1, 2004, a Notice of Abandonment was mailed January 20, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $130.00 will be refunded to applicant's Deposit Account 11-1410, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/26/07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/189201 Patent No.: D513701

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved	All changes apply.
☐ Approved in Part	Specify below which changes do not apply.
☐ Denied	State the reasons for denial below.

Comments: The drawings sent in with the Certificate of Correction request are correct. Please correct patent.

STELLA REID
SUPERVISORY DESIGN EXAMINER

SPE

2912
Art Unit

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/189,298	08/28/2003	2914	330	SDE-1406	4	1	1

CONFIRMATION NO. 3741

CORRECTED FILING RECEIPT

OC000000013799524

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

Date Mailed: 09/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Toshiyuki Hisatsune, Tokyo, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **23353**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/15/2003

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US29/189,298

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

REMOTE CONTROLLER

Preliminary Class

D14

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/189,299	08/28/2003	2913	165	2540-1009	6	1	1

CONFIRMATION NO. 3740

000466
YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

CORRECTED FILING RECEIPT

OC000000011798934

Date Mailed: 01/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Giorgio Arena, Frosinone, ITALY;
Mario Cazzaro, Mestre, ITALY;

Domestic Priority data as claimed by applicant

Foreign Applications

ITALY RM2003O000048 02/28/2003

If Required, Foreign Filing License Granted: 11/15/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Manual labelling machine

Preliminary Class

D18

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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BLACK & DECKER CORPORATION
MAIL STOP TW199
701 E.JOPPA RD
TOWSON MD 21286

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SEP 2 1 2005

OFFICE OF PETITIONS

In re Application of :
Weston Van Wambeke et al. :
Application No. 29/189,302 : DECISION ACCORDING STATUS
Filed: September 2, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. D-US-TN-3603 :

This is in response to the petition filed September 6, 2005 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on September 2, 2003, naming Weston Van Wambeke and Damon J. Nawrozki but without a signed declaration. Accordingly, on July 6, 2005, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, an oath or declaration executed by joint inventor Van Wambeke, a petition under 37 CFR 1.47(a) and three month extension of time was filed. The petition argues that joint inventor Nawrozki, by his actions, refuses to cooperate with the filing of the instant application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition bears proof that efforts to have nonsigning inventor Nawrozki execute the Oath or Declaration included a letter to the last known address and telephone messages left for Mr. Nawrozki, but none resulted in an executed oath or declaration by the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, 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 matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DAMON J. NAWROZKI
3101 BATAVIA AVENUE
BALTIMORE, MD 21214

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SEP 21 2005

OFFICE OF PETITIONS

In re Application of
Weston Van Wambeke et al.
Application No. 29/189,302
Filed: September 2, 2003
For: RADIO CHARGER

Dear Mr. Nawrozki:

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 Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
BRUCE S. SHAPIRO
BLACK & DECKER CORPORATION
MAIL STOP TW199
701 E.JOPPA RD
TOWSON MD 21286

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CARDINAL HEALTH
7000 CARDINAL PLACE
LEGAL DEPARTMENT - INTELLECTUAL PROPERTY
DUBLIN OH 43017

In re Application of
Richard Q. Poynter :
Serial No.: 29/189,356 :
Filed: September 3, 2003 : PETITION DECISION
Attorney Docket No.: ALP7025-D :

This is in response to applicant's Petition under 37 CFR 1.181, filed October 21, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice to File Missing Parts was mailed November 17, 2003, setting a two month period to submit a signed oath or declaration and a surcharge. As no response was submitted by January 20, 2004, a Notice of Abandonment was mailed on October 7, 2004. This petition followed.

Applicant has provided a copy of the response, which includes a Post Card Receipt with the Office date stamp of November 21, 2003. Therefore, the response was timely filed, and the application was clearly abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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WHYTE HIRSCHBOECK DUDEK S C
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

6/24/05

In re Application of
Michael Peterson
Serial No.: 29/189,363
Filed: September 3, 2003
Attorney Docket No.: 2185.062USD1

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.181, filed on April 4, 2005 to revive an unintentionally abandoned application.

The petition is **DISMISSED**.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on November 17, 2004, giving applicant a three-month shortened statutory period to pay the Issue fee. As no response was received by February 17, 2005, a Notice of Abandonment was mailed March 30, 2005.

Applicant has stated that the application was abandoned in error, as the Notice of Allowance was never received, and has submitted docket records (from the firm of Godfrey & Kahn) to show this. However, no evidence has been submitted that applicant's first attorney Charles Ruggiero didn't receive the Notice of Allowance, where the notice was mailed. The Notice of Allowance was mailed November 17, 2004, and a Power of Attorney was received December 10 and 13, 2004. The current Power of Attorney was filed April 7, 2005. Therefore, additional evidence is needed.

If applicant cannot prove non-receipt of the Notice, applicant may wish to consider filing a Petition under 37 CFR 1.137(b) to revive the application.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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9/22/05

WHYTE HIRSCHBOECK DUDEK S C
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

In re Application of
Michael Peterson :
Serial No.: 29/189,363 :
Filed: September 3, 2003 : PETITION DECISION
Attorney Docket No.: 2185.062USD1 :

This is a decision on applicant's renewed Petition under 37 CFR 1.181, filed on July 7, 2005 to revive an unintentionally abandoned application.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on November 17, 2004, giving applicant a three-month shortened statutory period to pay the Issue fee. As no response was received by February 17, 2005, a Notice of Abandonment was mailed March 30, 2005. Applicant filed a petition April 7, 2005 which was dismissed, due to lack of evidence.

Applicant has clarified that all of the docket records have been submitted, as the entire docket was transferred from the first attorney Charles Ruggiero to the second firm of Godfrey and Kahn; therefore, there was not a separate docket copy to submit from the first firm. As all evidence shows that applicant did not receive the Notice of Allowance, then the application will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for remailing of the Notice of Allowance and Issue Fee due in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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FOLEY & LARDNER
2029 CENTURY PARK EAST
SUITE 3500
LOS ANGELES CA 90067

In re Application of
Usman Vakil :
Serial No.: 29/189,366 :
Filed: September 2, 2003 : PETITION DECISION
Attorney Docket No.: 025013-0203 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 10, 2004, to revive an unintentionally abandoned application.

A review of the application shows that a Notice to File Missing Parts of Nonprovisional Application was mailed November 6, 2003, setting a two month period of time to respond. As no response was received by January 4, 2004, the application was abandoned. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A proper terminal disclaimer was submitted by facsimile on November 29, 2004. Applicant is advised that the Petition for an Extension of time is dismissed, as the application was already abandoned.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for initial examination in due course.

The Terminal disclaimer fee of $110.00 will be charged, and the $2010.00 Extension of Time will be refunded to applicant's Deposit Account 50-0872, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Salter & Michaelson
The Heritage Building
321 South Main Street
Providence, RI 02903-7128

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OCT 2 8 2004

OFFICE OF PETITIONS

In re Application of: Frank W. Paul :
Application No. 29/189,388 : NOTICE
Filed: September 4, 2003 :
Attorney Docket No. 02482 :

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**.

The Office acknowledges receipt of $480 for the issue fee, $6 for two (2) advance soft copies, and $175 for the fee deficiency due to the error in claiming small entity status.

This file is being forwarded to the Office of Publications for further processing into a patent.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
PO BOX 1909
SANDY UT 84091-1909

6/24/05

In re Application of
Devon Millward
Serial No.: 29/189,428
Filed: September 3, 2003
Attorney Docket No.: T10233

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted May 6, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 27, 2005, which set a three-month statutory period to submit the Issue Fee. As no response was received by April 27, 2005, the application was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant's Deposit account 50-0836, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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8/19/05

GRANT R CLAYTON
CLAYTON HOWARTH & CANNON, PC
P.O. BOX 1909
SANDY, UT 84091-1909

In re Application of
Devon Millward
Serial No.: 29/189,431
Filed: September 3, 2003
Attorney Docket No.: T10234

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 16, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 27, 2005, which set a three-month statutory period to submit the Issue Fee. As no response was received by April 27, 2005, the application was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant's Deposit account 50-0836, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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CLEMENT CHENG
17220 NEWHOPE ST. #127
FOUNTAIN VALLEY, CA 92708

In re Application of
HongBo Yao
Serial No.: 29/189,444
Filed: September 6, 2003
Attorney Docket No.:

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted by facsimile on November 3, 2004, and received by mail on November 8, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed May 10, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. Applicant paid the Issue fee on May 12, 2004; however, as formal drawings were not submitted by August 10, 2004, a Notice of Abandonment was mailed October 27, 2004; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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BRENDAN J. KENNEDY
OSTROLENK FABER GERB & SOFFEN, LLP
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8403

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DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Dilip R. Mehta :
Application No. 29/189,456 : NOTICE
Filed: September 4, 2003 :
Attorney Docket No. D/3966-131

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
Office of the Deputy Commissioner
for Patent Examination Policy

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KLARQUIST SPARKMAN
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

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OFFICE OF PETITIONS

In re Application of	:	
Christopher G. Forthaus et al	:	
Application No. 29/189,507	:	ON PETITION
Filed: September 5, 2003	:	
Attorney Docket No. 2151-66771	:	

This is a decision on the petition under 37 CFR 1.313(c), filed June 19, 2006, which is being treated under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on March 15, 2006 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 19, 2006.

Telephone inquiries should be directed to the undersigned at (571) 272-3220.

The application is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the IDS.

Wan Laymon
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450

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Date : June 21, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Christopher G. Forthaus et al
Application No. : 29/189,507
Filed : September 5, 2003

The above-identified application has been assigned Patent No. D523,745 and an issue date of June 27, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicants. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 27, 2006:

"All reference to Patent No. D523,745 to Christopher G. Forthaus et al of Naperville, IL for CONTAINER AND A BLANK FOR FORMING THE CONTAINER appearing in the Official Gazette of June 27, 2006 should be deleted since no patent was granted."

Wan Laymon
Petitions Examiner
Office of Petitions

cc: Paul Harrison
Deneise Boyd
Mary Louise McAskill
Niomi Farmer
Mary E. Johnson (Cookie)
Duane Davis (CDS)

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MAR 27 2006

OFFICE OF PETITIONS

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

In re Application of:
Gary Sitomer
Application No. 29/189,529
Filed: September 8, 2003
Attorney Docket No. A35872-070284.0623

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), February 9, 2006, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely remit the issue fee of $800.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed June 1, 2005. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on September 2, 2005. The Notice of Abandonment was mailed on December 12, 2005.

The issue fee was received on February 9, 2006. The terminal disclaimer filed February 9, 2006, is also noted.

The application is being forwarded to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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JUL 16 2004

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PARK & SUTTON LLP
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

In re Application of	:
Hwan Pyo Hong	:
Serial No.: 29/189,540	: PETITION DECISION
Filed: September 8, 2003	:
Attorney Docket No.: 1731.05	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted May 19, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed December 11, 2003, which set a three-month statutory period to pay the issue fee and submit formal drawings. The issue fee was submitted January 22, 2004; however, as no formal drawings were given by March 11, 2004, a Notice of Abandonment was mailed May 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of receiving Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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PARK & SUTTON LLP
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

In re Application of	:
Hwan Pyo Hong	:
Serial No.: 29/189,549	: PETITION DECISION
Filed: September 8, 2003	:
Attorney Docket No.: 1731.04	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted May 19, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed December 12, 2003, which set a three-month statutory period to pay the issue fee and submit formal drawings. The issue fee was submitted January 22, 2004; however, as no formal drawings were given by March 12, 2004, a Notice of Abandonment was mailed May 7, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of receiving Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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JACKIE JAY SCHWARTZ
1350 BROADWAY
SUITE 1510
NEW YORK, NY 10018

APR 18 2005

In re Application of
Mario Mainetti
Serial No.: 29/189,560
Filed: September 3, 2003
Attorney Docket No.: 1031-13

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 11, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed November 4, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by February 4, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

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JUN 24 2010

OFFICE OF PETITIONS

In re Patent No. D501675 :
Issued: February 8, 2005 :
Application No.: 29/189,574 : LETTER RE
Filed: September 8, 2003 : WITHDRAWAL OF PAPER
Attorney Docket No. 115-031008 :

This letter is in response to the Request, filed June 22, 2010, that (1) urges that the previously filed petition for Duplicate Letters Patent filed on December 10, 2009 is no longer requested by applicant, and (2) requests that no action be taken in response to the December 10, 2009 Request.

The June 22, 2010 Request is **GRANTED**.

Petitioner contends that the request for Duplicate Letters Patent is no longer applicable since "Applicant no longer wishes to receive a copy of the Letters Patent for D501,675." Therefore, the petition filed December 10, 2009 is unnecessary in view of applicant's recent decision. Accordingly, the United States Patent and Trademark Office will disregard the December 10, 2009 Request and take no further action in response thereto.

It is not apparent whether the person signing the December 10, 2009 petition and the June 22, 2010 petition withdrawal request was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. While, a courtesy copy of this decision is being mailed to the address given on the petition; the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this matter should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: ALAN J. KASPER
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

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JAN 15 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of :
Tate E. Kuerbis :
Serial No.: 29/189,609 : DECISION ON PETITION
Filed: September 9, 2003 :
For: Portion Of A Shoe Midsole :

This is in response to the petition applicant filed on October 10, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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9/22/05

Mark Sqantzos
THE MARTINEZ GROUP PLLC
55 Poplar Street, Suite 1-D
Brooklyn Heights NY 11201-6930

In re Application of
Jennifer Panepinto
Serial No.: 29/189,656
Filed: September 9, 2003
Attorney Docket No.: 1017-3

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, filed August 22, 2005, based on having not received the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to respond to the Notice of Allowance mailed February 7, 2005, which set a three month statutory period to pay the Issue fee. As no response was received by May 9, 2005, a Notice of Abandonment was mailed August 17, 2005; this petition followed.

Applicant has stated that a response was not timely filed, as the Notice was never received. Applicant has submitted a declaration and a copy of the docket records, verifying non-receipt of the Office action. Therefore, the application was abandoned in error and will be returned to pending status. A copy of the Notice of Allowance has been enclosed for applicant's records.

As applicant has paid the Issue fee, the application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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DAVID TOREN
ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE
NEW YORK, NY 10017-5621

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MAR 2 8 2006

OFFICE OF PETITIONS

In re Application of :
Peter Kertels :
Application No. 29/189,667 : ON PETITION
Filed: September 9, 2003 :
Attorney Docket No. DT-6488 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed August 3, 2005, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 4, 2005.

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), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer required pursuant to 37 CFR 1.137(d). This petition lacks item (**4**) above.

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 Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID TOREN, ESQ.
ABELMAN FRAYNE & SCHWAB
666 THIRD AVENUE
NEW YORK NY 10017-5621

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JAN 09 2007

OFFICE OF PETITIONS

In re Application of :
PETER KERTELS :
Application No. 29/189,667 : ON PETITION
Filed: September 9, 2003 :
Attorney Docket No. DT-6488 :

This is a decision on the **renewed** petition under 37 CFR 1.137(b), filed April 5, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected formal drawings as required by the Notice of Allowability, mailed August 3, 2005, which set a shortened statutory period for reply of three (3) months. Accordingly, the date of abandonment of this application is November 4, 2005 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings, (2) the petition fee of $700; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer is accepted and has been made of record.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

This application is being referred to Publishing Division for processing into a patent.

Amelia Au
Petitions Examiner
Office of Petitions

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RYNDAK & SURI
30 N. LASALLE STREET, SUITE 2630
CHICAGO, IL 60602

6/24/05

In re Application of
Christopher James Mero
Serial No.: 29/189,679
Filed: September 10, 2003
Attorney Docket No.: 40300-10816

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted April 20, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed November 17, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. As no response was received by February 17, 2005, a Notice of Abandonment was mailed March 30, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

Only the Petition fee of $1500.00 will be charged to applicant's Deposit Account 50-0503, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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GREIGG & GREIGG, P.L.L.C.
1423 POWHATAN STREET, UNIT ONE
ALEXANDRIA VA 22314

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AUG 23 2006
OFFICE OF PETITIONS

In re Application of	:	
John Silberman	:	DECISION ON PETITION
Application No. 29/189,680	:	TO WITHDRAW HOLDING
Filed: 10 September, 2003	:	OF ABANDONMENT
Atty Docket No. 03:120	:	

This is a decision on the petition filed 15 October, 2004, which is being treated as a request to withdraw the holding of abandonment of the above-identified application.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioner.

This application was held abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed on 9 January, 2004, which set a two month shortened period for reply. A Notice of Abandonment was mailed 14 October, 2004.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner submits a copy of a postcard receipt date-stamped 9 February, 2004, acknowledging receipt of a response in the form of a Response to Missing Parts Notice and an executed declaration. A draft copy of the cover letter and a copy of the executed declaration was included with this petition.

The original correspondence filed was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but was not matched with the application file.

For the reasons stated above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/189,706	09/08/2003	Kiyoaki Nishihara	03538/LH	2213

1933 7590 07/12/2007

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

EXAMINER	
TUTTLE, CATHERINE A	
ART UNIT	**PAPER NUMBER**
2912	

MAIL DATE	DELIVERY MODE
07/12/2007	PAPER

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

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
29189706	9/8/03	NISHIHARA, KIYOAKI	03538/LH

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

EXAMINER	
Catherine Tuttle	
ART UNIT	**PAPER**
2912	20070710-B

DATE MAILED:

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

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In re Patent No. D-498,803
Issue Date: 11/23/04
Appl No.: 29/189,706
Filed: September 08, 2003
For: BASKETBALL

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed 4/13/06 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Stella Reid
Supervisory Patent Examiner
Art Unit 2912
Technology Center 2900

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

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AUG 31 2004

MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

In re Application of
Charles E. Bain et al.
Serial No.: 29/189,713
Filed: 09/10/2003
Attorney Docket No.: 29617/PM493

: PETITION DECISION

This is a decision on the Petition under 37 CFR 1.137(b), filed July 7, 2004, to revive the above identified abandoned application based on unintentional circumstances.

A review of the file history shows that the Office mailed a Notice to File Missing Parts to applicant November 21, 2003, setting a two-month period to submit an oath or declaration and a surcharge. As no response was filed by January 21, 2004, the application was abandoned. This petition followed.

A petition under 37 CFR 1.137(b), as revised December 1, 1997, requires (1) a petition and petition fee, (2) the proposed response, (3) a terminal disclaimer and disclaimer fee of $55.00 in any design application, and (4) an adequate showing of the cause of unintentional delay. As this Petition was filed before the mailing of the Notice of Abandonment, the requirement for a Terminal Disclaimer has been waived.

Applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application will be forwarded to be processed for examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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PISCATAWAY NJ 08855-1343

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OFFICE OF PETITIONS

In re Application of
Douglas J. Hohlbein et al.
Application No. 29/189,729
Filed: March 5, 2004
Attorney Docket: IR 7432-00

DECISION DISMISSING
PETITION

This is a decision in reference to the paper styled "Petition under 37 CFR 1.17(h), filed March 5, 2004, which is treated as a petition under 37 CFR 1.53, requesting that the above identified application be accorded a filing date of September 10, 2003, with a complete specification, including at least one claim, as a part of the original disclosure.

The petition is **dismissed**.

The application was deposited on September 10, 2003, without a specification, including at least one claim. On November 20, 2003, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, stating that the application was missing the specification, and that the filing date would be the date a specification, including at least one claim, was received. A two (2)-month period for reply was set.

The present petition was filed March 5, 2004. Petitioners assert that the application was complete on September 10, 2003. In support, petitioners supplied with the present petition a copy of a postcard receipt bearing an Office stamp dated September 10, 2003, and the above-identified application number and itemizing the filing of a "transmittal", a "New Application, Design, Unexecuted Oath or Declaration and Formal Drawings. Petitioners further assert that the application is entitled to a filing date of September 10, 2003, because a one (1) page specification, including at least one (1) claim was included in the application.

A review of the record reveals that no pages of specification are located among the application papers deposited on September 10, 2003. Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, *e.g.,* the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

Petitioners' arguments have been considered, but are not persuasive. The showing of

[1] MPEP 503.

record is that the application was received in the Office on September 10, 2003, and petitioners' postcard receipt reflects that the Office received the "application". Petitioners' postcard receipt does not itemize, unfortunately, the filing of a specification. Rather, the postcard receipt simply itemizes the filing of an "application."

As petitioners have provided no convincing evidence that the specification, including claims, was filed in the USPTO on September 10, 2003, the petition must be **dismissed**.

Counsel's deposit account, No. 03-2455 will be charged the petition fee of $130.00 for consideration of the present petition.

Additionally, the Notice of Incomplete Application was mailed November 20, 2003 and set a two month period for reply. A reply was due not later than January 20, 2004. The response was not filed until March 5, 2004. In view of the authorization in the petition to charge the deposit account for any additional fees, and per our telephone conversation with Attorney of Record Henry S. Goldfine, we will charge deposit account no. 03-2455 in the amount of $420.00 for a two month extension of time. With this extension of time, the response to the Notice of Incomplete Application filed March 5, 2004 is timely and the application is not abandoned.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 5, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
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PISCATAWAY NJ 08855-1343

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OFFICE OF PETITIONS

In re Application of
Douglas J. Hohlbein et al.
Application No. 29/189,729
Filed: March 5, 2004
Attorney Docket: IR 7432-00

: DECISION DISMISSING
: PETITION

This is a decision on the renewed petition filed May 3, 2004, under 37 CFR 1.53, requesting that the above identified application be accorded a filing date of September 10, 2003, with a complete specification, including at least one claim, as a part of the original disclosure.

The renewed petition is **DISMISSED**.

In response to a Notice of Incomplete Application Papers mailed November 20, 2003, a petition under 37 CFR 1.53 was filed March 5, 2004 and dismissed in a decision mailed March 16, 2004. Petitioners argued in the petition filed March 5, 2004 that the application should have been accorded a filing date of September 10, 2003 because the application was complete on September 10, 2003 and that a specification, including at least one (1) claim was included in the application. Petitioners included a copy of a postcard receipt bearing an Office stamp dated September 10, 2003, and the above-identified application number and itemizing the filing of a "transmittal", a "New Application, Design, Unexecuted Oath or Declaration and Formal Drawings.

In the instant petition, petitioners renew their argument that the application is entitled to a filing date of September 10, 2003 and add that the postcard receipt was properly itemized. The agency disagrees with the assertion that the postcard receipt was properly itemized.

Petitioner's attention is directed to the requirements for a complete application pursuant to 35 USC 111. A complete application includes a specification, an oath or declaration and drawings. 37 CFR 1.53(b) indicates that the filing date of an application for patent filed under this section, except for a provisional application under paragraph ©) of this section or a continued prosecution application under paragraph (d) of this section, is the date on which a specification as prescribed by **35 U.S.C. 112** containing a description pursuant to **§ 1.71** and at least one claim pursuant to **§ 1.75**, and any drawing required by **§ 1.81**(a) are filed in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date. A continuing application, which may be a continuation, divisional, or continuation-in-part application, may be filed under the conditions specified in **35 U.S.C. 120**, **121** or **365**©) and **§ 1.78**(a).

MPEP 503 prescribes that if a new application is being filed, all parts of the application being submitted should be **separately listed** on the postcard, *e.g.,* the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not however serve as *prima facie* evidence of receipt of any item

which is not adequately itemized on the postcard.[1]

The postcard receipt used by the petitioners 1) is one designed by the petitioner and 2) itemizes that the contents being deposited included inter alia, a "new design application". Petitioner is suggesting that the USPTO assume that "new design application" means, in this instance, a "one page specification".

Petitioners' renewed arguments have been considered, and are still not persuasive. The showing of record is that the application was received in the Office on September 10, 2003, and petitioners' postcard receipt reflects that the Office received the "application". Petitioners' postcard receipt does not itemize, unfortunately, the filing of a specification or the number of pages of the specification. Rather, the postcard receipt simply itemizes the filing of an "application." The fact that the postcard receipt used by the petitioners only has a blank for the number of application papers submitted in a utility application and does not have a blank fo the number of application papers submitted in a design application is an issue the petitioners should reconsider since the postcard receipt used is one drafted by the petitioner, not the USPTO.

An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The showing of record is that the specification was missing upon application and that petitioner's have not followed the proper procedures pursuant to MPEP 503 with respect to the itemization of the postcard receipt to show that the specification was in fact filed with the other application papers on September 10, 2003.

As petitioners have still not provided any convincing evidence that the specification, including claims, was filed in the USPTO on September 10, 2003, the petition must be **DISMISSED**.

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of March 5, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 503.

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OFFICE OF PETITIONS

In re Application of :
Douglas J. Hohlbein et al. :
Application No. 29/189,729 : DECISION GRANTING
Filed: September 10, 2003 : PETITION
Attorney Docket: IR 7432-00 :

This is a decision on the second renewed petition filed July 23, 2004, which is being treated as a petition requesting that the above-identified application be accorded a filing date of September 10, 2003.

The petition is **GRANTED**.

On September 10, 2003 the application was deposited. The filing included, inter alia, a transmittal letter, two sheets of drawings and an oath or declaration.

A Notice of Incomplete Application Papers mailed November 20, 2003 indicated that the application was deposited without a specification. In response, a petition under 37 CFR 1.53 was filed March 5, 2004 and dismissed in a decision mailed March 16, 2004. Petitioners argued in the petition filed March 5, 2004 that the application should have been accorded a filing date of September 10, 2003 because the application was complete on September 10, 2003 and that a specification, including at least one (1) claim was included in the application. Petitioners included a copy of a postcard receipt bearing an Office stamp dated September 10, 2003, and the above-identified application number and itemizing the filing of a "transmittal", a "New Application, Design, Unexecuted Oath or Declaration and Formal Drawings. A renewed petition was filed May 7, 2004 arguing that the application was entitled to a filing date of September 10, 2003 and that the postcard receipt was properly itemized. The agency maintained that the postcard receipt was not properly itemized and dismissed the petition on May 24, 2004.

The instant petition further argues that the postcard receipt while it didn't indicate the number of pages of the specification, was properly itemized and that while the postcard lacks any notation of non-receipt of any item listed, pursuant to MPEP § 503, it should be concluded that the specification was in fact filed with the application papers on September 10, 2003. Further, the petition argues that the postcard receipt is prima facie evidence of the filing and receipt of the specification and that the evidence as a whole is sufficient to show that the specification was included with the filing of the application.

The arguments made are well taken but not persuasive. However, a review of the record reveals that neither a formal specification nor a formal claim was included with the application papers deposited September 10, 2003. It is noted though that the application papers deposited September 10, 2003, included a transmittal letter referring to the application by title and stating that the application contains "2 sheets of formal

drawings", and a declaration stating that the inventor believes himself to be

> "the original, first, and sole inventor . . . of the subject matter which is disclosed and/or claimed and for which a patent is sought on the invention entitled: TOOTHBRUSH the specification of which is attached hereto."

Neither a formal specification (written description) nor a formal claim could be located amongst the papers included with the application when it was deposited. However, since this a design application, the transmittal letter (as referred to above) and the above-quoted language in the declaration can be construed as the specification (written description) and claim, respectively, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter and the language quoted above from the declaration be construed as the specification and claim, respectively, for purposes of according this application a filing date of September 10, 2003.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

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

The communication filed March 5, 2004, including a formal specification and claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 10, 2003, using the application papers filed September 10, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DEC 15 2004

EITAN, PEARL, LATZER & COHEN ZEDEK, LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

In re Application of	:
Lev Sercarz	:
Serial No.: 29/189,767	: PETITION DECISION
Filed: September 11, 2003	:
Attorney Docket No.: D-0353-US1	:

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, filed September 30, 2004.

A review of the file history shows that a Notice of Allowance was mailed April 21, 2004, setting a three month statutory period to pay the Issue fee and submit formal drawings. The issue fee was received July 20, 2004; however, as no formal drawings were submitted by July 21, 2004, the application was abandoned. This petition followed.

Applicant has provided a copy of the response, which was eventually matched with the case. Therefore, as the formal drawings were properly submitted and received by the Office on July 20, 2004, the response was timely filed, and the application was clearly abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

In re Application of
Charles E. Bain :
Serial No.: 29/189,787 :
Filed: 09/10/2003 : PETITION DECISION
Attorney Docket No.: 29617/PM486 :
:

This is a decision on the Petition under 37 CFR 1.137(b), filed July 7, 2004, to revive the above identified abandoned application based on unintentional circumstances.

A review of the file history shows that the Office mailed a Notice to File Missing Parts to applicant November 19, 2003, setting a two-month period to submit an oath or declaration and a surcharge. As no response was filed by January 20, 2004, the application was abandoned. This petition followed.

A petition under 37 CFR 1.137(b), as revised December 1, 1997, requires (1) a petition and petition fee, (2) the proposed response, (3) a terminal disclaimer and disclaimer fee of $55.00 in any design application, and (4) an adequate showing of the cause of unintentional delay. As this Petition was filed before the mailing of the Notice of Abandonment, the requirement for a Terminal Disclaimer has been waived.

Applicant's petition under 37 CFR 1.137(b) is **GRANTED**.

The application will be forwarded to be processed for examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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March 11, 2008

Stephen T. Bang
THE SONI LAW FIRM
55 South Lake Ave
Suite 720
Pasadena, CA 91101

Patent No.: D495, 364 S
Application No.: 29/189,834
Inventor(s): Carl Cetera
Issued: August 31, 2004
Title: **PEN**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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) 273-0025 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Mary Diggs, Supervisor
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

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THE SONI LAW FIRM
55 S. LAKE AVE SUITE 720
PASADENA CA 91101

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OFFICE OF PETITIONS

In re Patent No. D495,364	:	
Issued: August 31, 2004	:	
Application No. 29/189,834	:	ON PETITION
Filed: September 9, 2003	:	
Attorney Docket No. SS-107D	:	

This is a decision on the petition, filed April 24, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to add the assignee's name to the issued patent.

The request is **DISMISSED**.

37 CFR 3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but ***prior to issuance of a patent***. Patent and Trademark Office assignment records disclose that an assignment from "Cotapaxi, Inc." to "Cotapaxi Custom Design and Manufacturing, LLC" was recorded on December 12, 2007, after the date of issuance of this patent.

Accordingly, since the assignment was not submitted for recordation until after issuance of this patent, issuance of a certificate of correction would not be proper. *See* MPEP Section 307.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

[1] *See* Official Gazette of June 22, 2004

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 2, 2009

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/189885/D496358

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Please check Inventorship. (R48)

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Magdalene Talley
Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

_____ **SPE**

2911 **Art Unit**

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5/16/05

In re application of
Anthony J. Baerlocher
Serial No. 29/189,886
Filed: September 10, 2003
For: GAMING MACHINE DISPLAY INCLUDING AN OUTER SYMBOL DISPLAY HAVING A DISPLAY WINDOW AND AN INNER SYMBOL DISPLAY

DECISION ON PETITION

This is a decision from the PETITION TO WITHDRAWAL FROM ISSUE, filed May 13, 2004 and is accepted under 37 C.F.R. 1.313.

The petition asserts that the withdrawal is necessary to permit consideration of an information disclosure statement under 37 C.F.R. 1.97. Applicant has not demonstrated a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

The Notice of Allowance was mailed on April 1, 2004 and the information disclosure statement was filed on May 20, 2004. An information disclosure statement shall be considered provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by a statement that must state either:

> (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
>
> (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

DECISION

The Petition is **DISMISSED**.

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Adam H. Masia
Bell, Boyd & Lloyd LLC.
P.O. Box 1135
Chicago, Illinois 60690-1135

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8/15/05

BELL, BOYD & LLOYD LLC
P.O. BOX 1135
CHICAGO, IL 60690-1135

In re Application of
Anthony J. Baerlocher
Serial No.: 29/189,886
Filed: September 10, 2003
Attorney Docket No.: 0112300-1674

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed July 6, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 16, 2004, which set a three-month statutory period to submit the Issue Fee. Applicant filed an Information Disclosure Statement and a Petition to Withdraw from Issue on May 20, 2004, which was dismissed May 16, 2005. Therefore, as the Issue fee was not received by July 16, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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8/4/05

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MUCH SHELIST FREED DENENBERG
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191 N. WACKER DRIVE
SUITE 1800
CHICAGO, IL 60606-1615

In re Application of
Lawrence Shubert
Serial No.: 29/189,937
Filed: September 12, 2003
Attorney Docket No.: 0002828.0004

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted May 23, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed August 11, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted November 8, 2004; however as no formal drawings were received by November 11, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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6/24/05

WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

In re Application of
Pietro Arosio
Serial No.: 29/189,948
Filed: September 12, 2003
Attorney Docket No.: 242/9-1864

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment filed under 37 CFR 1.181, received March 2, 2005, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed September 9, 2004, setting a three month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was submitted December 9, 2004; however, upon failure to file formal drawings, a Notice of Abandonment was mailed on February 18, 2005.

Applicant has stated that formal drawings were filed December 9, 2004, and has submitted copies of the response which included a Post Card receipt and a Certificate of Mailing. Therefore, as the formal drawings were timely submitted, the application will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS MN 55402

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In re Patent No. D496,700 :
Issued: 28 September, 2004 :
Application No. 29/189,976 : ON PETITION
Filed: 10 September, 2003 :
Attorney Docket No. DUSA030909 :

This is a decision on the "PETITION FOR ORIGINAL COPY AND CHANGE OF CORRESPONDENCE ADDRESS" filed on 23 March, 2006, which is treated as a petition under 37 CFR 1.182, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Since it is U.S. Patent and Trademark Office practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the U.S. Patent and Trademark Office on or about 28 September, 2004, but fail to disclose receipt of the Letters Patent mailed on that date, should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required.

However, if the loss of the Letters Patent was not the fault of the U.S. Patent and Trademark Office or if petitioner simply wishes to avoid overcoming the above-noted presumption, a petition may be filed under 37 CFR 1.182 accompanied by a petition fee of $400.00 requesting a duplicate Letters Patent.

Upon receipt of the petition and petition fee, the request for a duplicate Letters Patent will be granted.

Petitioner's counsel states that the Letters Patent was not received and is assumed lost. Petitioner's counsel further states, in a letter filed on 18 May, 2006, that the petitioner pro se to whom the patent was mailed does not maintain a postal or docket report, and that the "Taiwanese postal employees often misdirect mail which is addressed in English."

Although petitioners' counsel states that the original Letters Patent has not been received, petitioners have not provided sufficient supporting documentation (*i.e*, a copy of the docket record or file jacket where the Letters Patent would have been entered had it been received must be attached to and referenced in practicioner's statement) showing that the original Letters Patent was not received. While it is understood that petitioner did not maintain a mail log, counsel's bare assertion that the patent was not received, without more, is insufficient to show that the Letters Patent was not received. Moreover, as petitioner did apparently receive other correspondence from the USPTO, counsel's argument that the Taiwanese postal service misdirected the Letters Patent is not persuasive.

Nevertheless, as petitioner has submitted authorization to charge the petition fee, the petition is granted. Petitioner should note that the petition fee is $400.00. The petition fee will be charged to counsel's deposit account.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C-32
(FAX 571-270-9937)

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JAN 6 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
K. Brinton	:	
Serial No.: 29/189,978	:	DECISION ON PETITION
Filed: September 12, 2003	:	
For: Motorcycle Cylinder Head	:	

This is in response to the petition applicant filed on September 12, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JAN 6 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
K. Brinton	:	
Serial No.: 29/189,985	:	DECISION ON PETITION
Filed: September 12, 2003	:	
For: Motorcycle Cylinder Head	:	

This is in response to the petition applicant filed on September 12, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of
Dror Segal :
Serial No.: 29/190,033 :
Filed: September 15, 2003 : PETITION DECISION
Attorney Docket No.: A32965-II :
070388.0834 :

This is a decision on applicants' Petition under 37 CFR 1.137(b) submitted October 5, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 25, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. As no response was filed by September 27, 2004, the application was abandoned; this petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicants' petition lacks item (2), as the response is not complete. Applicant has still not submitted the formal drawings, which are required before the case can proceed to issue.

Applicants' petition is **DISMISSED.**

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
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BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

APR 18 2005

In re Application of
Dror Segal :
Serial No.: 29/190,033 :
Filed: September 15, 2003 : PETITION DECISION
Attorney Docket No.: A32965-II :
070388.0834 :

This is a decision on applicants' renewed Petition under 37 CFR 1.137(b) submitted January 6, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 25, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. As no response was filed by September 27, 2004, the application was abandoned; this petition followed. A Petition was filed October 5, 2004, which was dismissed, as formal drawings were not submitted.

Applicant's petition now meets the requirements of a grantable petition under 37 CFR 1.137(b).

Applicant's petition is **GRANTED**.

This application will be forwarded to Issue Branch for publication as a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone
Jacqueline Stone
Director, Technology Center 1700/2900

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30 ROCKEFELLER PLAZA
NEW YORK NY 10112

APR 18 2005

In re Application of
Dror Segal :
Serial No.: 29/190,033 :
Filed: September 15, 2003 : PETITION DECISION
Attorney Docket No.: A32965-II :
070388.0834 :

This is a decision on applicants' renewed Petition under 37 CFR 1.137(b) submitted January 6, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 25, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. As no response was filed by September 27, 2004, the application was abandoned; this petition followed. A Petition was filed October 5, 2004, which was dismissed, as formal drawings were not submitted.

Applicant's petition now meets the requirements of a grantable petition under 37 CFR 1.137(b).

Applicant's petition is **GRANTED**.

This application will be forwarded to Issue Branch for publication as a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone
Jacqueline Stone
Director, Technology Center 1700/2900

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OFFICE OF PETITIONS

In re Application of :
Schreiter :
Application No. 29/190,116 : DECISION GRANTING
Filed: September 15, 2003 : PETITION
Attorney Docket No. 02-1879 :
FOR: LEAK RESISTANT SLIDER

This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.181 TO WAIVE FIVE-MONTH EXTENSION OF TIME FEE," filed June 24, 2004. Because the extension of time fee has been charged, the petition is being treated as a request for refund.

The petition under 37 CFR 1.181 is **GRANTED**.

The above-identified application was filed on September 15, 2003. On November 24, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that no filing date had been accorded to the above-identified application because the application as filed did not include a claim.

Petitioner asserts that he did not receive the November 24, 2003 Notice. A copy of the Notice in question was later faxed to petitioner on May 2, 2004. The instant petition, a claim, a declaration, and authorization to charge a 5 month extension of time fee to petitioner's credit card was filed on June 24. 2004. The $2,010.00 5 month extension of time fee was charged on June 29, 2004.

Petitioner requests a refund of the 5 month extension of time fee. The petition explains that the November 24, 2003 Notice was mailed to an incorrect address. A review of the Office records and the Notice in question reveals that an incorrect customer number was entered into USPTO computer records and as a result, the correspondence was mailed to a wrong address. The correspondence was returned to the USPTO. It is apparent that petitioner did not receive the November 24, 2003 mailing. It would not be appropriate to charge petitioner a large extension of time fee for late response to the November 24, 2003 Notice because the delay in prosecution was due to Office error. The petition for refund is **GRANTED**. The $2,010.00 extension of time fee will be credited to petitioner's credit card.

The application is being returned to Office of Initial Patent Examination for further processing of the claim filed on June 24, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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CARL L JOHNSON
JACOBSON AND JOHNSON
SUITE 285
ONE WEST WATER STREET
ST. PAUL, MN 55107-2080

In re Application of	:
Joseph King	:
Serial No.: 29/190,121	: PETITION DECISION
Filed: September 15, 2003	:
Attorney Docket No.: 5799	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 9, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 4, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by September 7, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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CARL L JOHNSON
JACOBSON AND JOHNSON
SUITE 285
ONE WEST WATER STREET
ST. PAUL, MN 55107-2080

In re Application of	:
Joesph King	:
Serial No.: 29/190,121	: PETITION DECISION
Filed: September 15, 2003	:
Attorney Docket No.: 5799	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received September 14, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 4, 2004, which set a three-month statutory period to pay the Issue fee. As no response was received by September 7, 2004, the case was abandoned; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 10-0210, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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JUN 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Phil deCarolis :
Application No. 29/190,125 : ON PETITION
Filed: September 15, 2003 :
Attorney Docket No. BELLO 3.1-008 :

This is a decision on the papers styled "PETITION UNDER 37 C.F.R. 1.181(f) TO ESTABLISH PRIOR RECEIPT IN THE PTO OF ITEMS CONSIDERED OMITTED BY THE PTO - RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed on June 1, 2004, which has been treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of September 15, 2003, including the specification.

The application was filed on September 15, 2003. However, on April 6, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" that stated the application had not been accorded a filing date, and that the specification appears to be missing.

In response, on June 1, 2004, the instant petition and a copy of the specification as claimed to be filed by petitioner were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of one (1) page of specification. A review of the application file indicates the presence of zero (0) pages of specification. It is assumed that the one (1) page of specification was misplaced by the Office.

In view of the above, the petition is granted.

The $130.00 petition fee paid for the papers filed on June 1, 2004, will be refunded to deposit account no. 12-1095.

This application will be returned to OIPE for further processing with a filing date of September 15, 2003, using the copy of the specification, supplied on June 1, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
10940 WILSHIRE BOULEVARD
LOS ANGELES CA 90024-4450

In re Application of
Thomas Barber :
Serial No.: 29/190,168 :
Filed: September 16, 2003 : PETITION DECISION
Attorney Docket No.: 0124-0256P :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received August 9, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Notice of Allowance mailed February 11, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. Applicant submitted the fee and drawings on May 14, 2004; however, as no response was submitted by May 11, 2004, a Notice of Abandonment was mailed July 20, 2004.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer has been waived.

Applicants' petition is **GRANTED.**

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 02-2448, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

12/3/07

Patent No. :D501245
Inventor(s) : Dimarco
Issued : 9/17/2003
Title : Sink
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals there is no indication on what needs to be corrected in the 1050 form. Please show the correction. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.
Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Melvin Silverman
Suite 500
500 West Cypress Creek Road
Fort Lauderdale, FL 33309

HR/CBN

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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

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OCT 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Craig Metros et al	:	
Application No. 29/190,201	:	ON PETITION
Filed: September 19, 2003	:	
Attorney Docket No. FGT 1803 DUS	:	

This is a decision on the petition, filed October 14, 2005, under 37 CFR 1.313(c) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:
(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(2) Consideration of a submission pursuant to 37 CFR 1.114; or
(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

The filing of a petition under 37 CFR 1.313(c)(2) is not a proper filing for design applications.

Petitioner may consider filing under 37 CFR 1.313(c)(3).

A response to this decision must be filed within **ONE MONTH** from the mail date of this letter.

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 Window located at:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of :
Craig Metros et al :
Application No. 29/190,201 : ON PETITION
Filed: September 19, 2003 :
Attorney Docket No. FMC 1966 DUS :

This is a decision on the petition, filed October 28, 2005, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on September 12, 2005, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed October 28, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2915 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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SEP 10 2004

John S. Artz
Suite 250
28333 Telegraph Road
Southfield MI 48034

In re Application of
Craig Metros :
Serial No.: 29/190,212 :
Filed: September 19, 2003 : PETITION DECISION
Attorney Docket No.: FGT 1801 DUS :
:

This is a decision on applicant's letter, which is being treated as a Petition for Withdrawal of Notice of Abandonment under 37 CFR 1.181 submitted August 4, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 10, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by May 10, 2004, a Notice of Abandonment was mailed July 13, 2004. Applicant then filed this petition.

Applicant has shown that a facsimile of the Issue Fee transmittal was timely submitted March 6, 2004, as evidenced by the Auto-Reply Facsimile Transmission. While this paper was not matched with the application, it is clear that applicant timely responded and the application was abandoned in error.

Applicant's petition is **GRANTED.**

The Issue fee of $480.00 will be charged to applicant's Deposit Account 06-1510, as directed.

The application will be forwarded to Publications branch to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

MAR 29 2005

In re Application of
Philip J. Uihlein
Serial No.: 29/190,224
Filed: September 19, 2003
Attorney Docket No.: 920002.00007

: PETITION DECISION

This is in response to applicant's Petition under 37 CFR 711.03(c), which is being treated as a Petition under 37 CFR 1.181, filed December 22, 2004, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to timely respond to the Notice of Allowance mailed July 12, 2004. As no response was received by October 12, 2004, the application was abandoned. This petition followed.

Applicant has stated that a response was timely filed, and has submitted copies of the Issue Fee transmittal with a Certificate of Mailing date of September 27, 2004 and a stamped Post Card Receipt. Therefore, the case was clearly abandoned in error.

The Issue Fee and copies will be charged to applicant's deposit account 17-0055, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/14/09

TO SPE OF : ART UNIT 2914 Nelson Thornton (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/190234 Patent No.: D522651

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

H. Rhy
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

_____

_____

_____

_____

SPE 2914 Art Unit

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NOV 18 2004

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

In re Application of	:
Margaret L. Hetfield	:
Serial No.: 29/190,287	: PETITION DECISION
Filed: September 16, 2003	:
Attorney Docket No.: ZK524/03166	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 28, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by August 30, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Terminal disclaimer fee of $110.00 will be refunded to applicant by Treasury Check.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

In re Application of
Margaret L. Hetfield :
Serial No.: 29/190,288 :
Filed: September 16, 2003 : PETITION DECISION
Attorney Docket No.: ZK524/03155 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 28, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by August 30, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Terminal disclaimer fee of $110.00 will be refunded to applicant by Treasury Check.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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12/6/04

MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

In re Application of
Margaret L. Hetfield
Serial No.: 29/190,288
Filed: September 16, 2003
Attorney Docket No.: ZK524/03155

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 28, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by August 30, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Terminal disclaimer fee of $110.00 will be refunded to applicant by Treasury Check.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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APR 18 2005

RUBEN C. DELEON
100 CRESCENT COURT, SUITE 700
DALLAS, TX 75201

In re Application of
Lin Kar Gwee
Serial No.: 29/190,290
Filed: September 18, 2003
Attorney Docket No.: 43870-D002US

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received February 17, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed July 6, 2004, which set a three-month statutory period to submit the Issue Fee. The fee was submitted with a Certificate of Mailing date of October 20, 2004; therefore, as the response was not timely submitted by October 6, 2004, a Notice of Abandonment was mailed to applicant December 2, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A terminal disclaimer was submitted by facsimile on March 2, 2005.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $65.00 will be charged to Applicant's Deposit Account 23-2426, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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ALEXANDRIA, VA 22313-1450
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RUBEN C. DELEON
100 CRESCENT COURT, SUITE 700
DALLAS, TX 75201

APR 18 2005

In re Application of
Lin Kar Gwee
Serial No.: 29/190,290
Filed: September 18, 2003
Attorney Docket No.: 43870-D002US

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received February 17, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed July 6, 2004, which set a three-month statutory period to submit the Issue Fee. The fee was submitted with a Certificate of Mailing date of October 20, 2004; therefore, as the response was not timely submitted by October 6, 2004, a Notice of Abandonment was mailed to applicant December 2, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A terminal disclaimer was submitted by facsimile on March 2, 2005.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $65.00 will be charged to Applicant's Deposit Account 23-2426, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jmstone
Jacqueline Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070828

DATE : August 28, 2007

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D493552

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Request submitted 7/31/06 approved.

Caron D. Veynar

SPE: Caron D. Veynar **Art Unit** 2913

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RUBEN C. DELEON
100 CRESCENT COURT, SUITE 700
DALLAS, TX 75201

APR 18 2005

In re Application of
Lin Kar Gwee
Serial No.: 29/190,357
Filed: September 17, 2003
Attorney Docket No.: 43870-D001US

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received February 17, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 9, 2004, which set a three-month statutory period to submit the Issue Fee. The fee was submitted with a Certificate of Mailing date of October 20, 2004; therefore, as the response was not timely submitted by May 10, 2004, a Notice of Abandonment was mailed to applicant July 13, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A terminal disclaimer was submitted by facsimile on March 2, 2005.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $65.00 will be charged to Applicant's Deposit Account 23-2426, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Po-Chuan Tsai
235 Chung-Ho Box 8-24
Taipei R.O.C. TW TAIWAN

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OFFICE OF PETITIONS

In re Application of

Po-Chuan Tsai

Application No. 29/190,409

Filed: September 22, 2003

Attorney Docket No. AMD-2612

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), October 26, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due, mailed April 9, 2004. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 10, 2004. A Notice of Abandonment was mailed on August 13, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of item (1) above.

Petitioner is advised that a check in the amount of $730.00 accompanied the petition. The amount of $685.00 was earmarked for the petition fee, however; petitioner was still required to pay the issue fee of $245.00. While $45.00 remains that can be used towards the satisfaction of the issue fee, petitioner must remit $200.00 for the payment of the issue fee before the instant petition can be considered grantable.

The "Revocation of Power of Attorney and Appointment New Mailing Address" filed October 26, 2004, is noted and made of record.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Po-Chuan Tsai
235 Chung-Ho Box 8-24
Taipei R.O.C. TW TAIWAN

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OFFICE OF PETITIONS

In re Application of

Po-Chuan Tsai

Application No. 29/190,409

Filed: September 22, 2003

Attorney Docket No. AMD-2612

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR §1.137(b), February 10, 2005, to revive the above-identified application.

The renewed petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due, mailed April 9, 2004. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 10, 2004. A Notice of Abandonment was mailed on August 13, 2004. A petition under 37 CFR 1.137(b) was filed on February 10, 2005, and dismissed by a decision mailed January 19, 2005. The instant renewed petition was filed on February 10, 2005.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant renewed petition does not satisfy the requirements of item (1) and (4) above.

As to item (1), the outstanding amount due for the issue fee was not found with the instant petition, notwithstanding petitioner's assertion to the contrary. Petitioner is advised that the issue fee for a design application was increased to $400.00 (small entity), effective December 8, 2004. Accordingly, if, as in this case, the issue fee is paid after December 8, 2004, the amount of $400.00 must be paid, regardless of the amount stated in the Notice of Allowance and Issue Fee mailed before the fee was increased. Any renewed petition filed must be accompanied by the $355.00 that will be added to the amount of $45.00 for the issue fee that is already credited to application.

As to item (4), the terminal disclaimer was not found with the petition papers. The statutory disclaimer fee was present, however. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience. Pursuant to 37 CFR 1.137(d), the terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted from this application that is equivalent to the period of abandonment of the application.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

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United States Patent and Trademark Office
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Po-Chuan Tsai
235 Chung-Ho Box 8-24
Taipei R.O.C. TW TAIWAN

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OFFICE OF PETITIONS

In re Application of:
Po-Chuan Tsai
Application No. 29/190,409
Filed: September 22, 2003
Attorney Docket No. AMD-2612

DECISION ON PETITION

This is a decision on the second renewed petition under 37 CFR §1.137(b), July 27, 2005, to revive the above-identified application.

The second renewed petition is **granted.**

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due, mailed April 9, 2004. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on July 10, 2004. A Notice of Abandonment was mailed on August 13, 2004. A petition under 37 CFR 1.137(b) was filed on February 10, 2005, and dismissed by a decision mailed January 19, 2005. A renewed petition was filed on February 10, 2005, and dismissed by a decision mailed June 6, 2005. The instant renewed petition was filed on July 27, 2005.

The issue fee was received on July 27, 2005. The terminal disclaimer required by 37 CFR 1.137(d) was received on October 26, 2004.

The application is being forwarded to the Office of Patent Publications for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

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OFFICE OF PETITIONS

In re Patent No. D,509,424 :
Issue Date: September 13, 2005 :
Application No. 29/190,485 : ON PETITION
Filed: September 22, 2003 :
Attorney Docket No. D4700-00370 :

This is a decision on the petition under 37 CFR 1.182, filed June 4, 2007, requesting issuance of a duplicate Letters Patent for the above-identified patent.

In the absence of any irregularity in the mailing of the Letters Patent, there is a strong presumption that the Letters Patent was properly mailed to the address of record at the time; Therefore, this petition is properly treated as a petition under 37 CFR 1.182 and the $400 petition fee will be assessed to petitioner's deposit account, as authorized.

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

The Office of Data Management is directed to issue duplicate Letters Patent.

A copy of this decision is being faxed to the Office of Data Management for issuance of the duplicate Letters Patent.

This patent file is being forwarded to the Files Repository.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3226. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250 ext 129.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/OPPD, South Tower 8th Floor, Room C23
FAX No. (571) 270-9753

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JAN 15 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of :
David J. Schenone :
Serial No.: 29/190,506 : DECISION ON PETITION
Filed: September 23, 2003 :
For: Portion Of A Shoe Midsole :

This is in response to the petition applicant filed on October 20, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DR. MARK FRIEDMAN LTD.
c/o Bill Polkinghorn
9003 Florin Way
Upper Marlboro MD 20772

In re Application of
Efrayim Drezner :
Serial No.: 29/190,531 :
Filed: September 23, 2003 : PETITION DECISION
Attorney Docket No.: 2839/14 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received August 23, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to timely respond to the Notice of Allowance mailed April 5, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. A response was received July 7, 2004; however, as it was not received by July 6, 2004, a Notice of Abandonment was mailed August 10, 2005. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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6/24/05

BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE, RI 02903

In re Application of
Mary L. Byrne
Serial No.: 29/190,557
Filed: September 23, 2003
Attorney Docket No.: B048 P00949-US

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.137(b), which is being treated as a Petition under 37 CFR 1.181, filed March 23, 2005, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to fully respond to the Notice of Allowance mailed October 15, 2004. The Issue fee was received November 11, 2004; however, as no formal drawings were submitted by January 18, 2005, a Notice of Abandonment was mailed March 14, 2005. This petition followed.

Applicant has stated that they were unaware that formal drawings were required, as there were no specific instructions present in the Examiner's amendment. The Notice of Allowance required that formal drawings must be submitted; however, it is agreed that as the Examiner's amendment did not include any drawing requirements, it was unclear as to exactly what if any corrections were required. Therefore, the application will be returned to pending status, as applicant has now submitted the required formal drawings.

The application will be forwarded to Publication Division for printing as a patent in due course.

As there are no fees associated with Petitions granted under 37 CFR 1.181, the Terminal Disclaimer fee of $65.00 and the Petition fee of $750.00 will be refunded to applicant's Deposit Account 02-0900, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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PEAK PRODUCTS MANUFACTURING INC.
LEGAL DEPARTMENT
707-777 WEST BROADWAY
VANCOUVER BC V6C 4J7 CA CANADA

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JUN 18 2004

OFFICE OF PETITIONS

In re Application of :
John Gross :
Application No. 29/190,599 : ON PETITION
Filed: September 25, 2003 :
Attorney Docket No. DFMD-ID-030827 :

This is a decision on the petition filed June 7, 2004 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

Petitioner requests that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is withdrawn from issue.

Petitioner is advised that the issue fee paid on March 26, 2004, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 7, 2004.

Telephone inquiries should be directed to the undersigned at (703) 305-9220.

The application is being referred to Technology Center AU 2913 for processing of the CPA.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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COMMISSIONER FOR PATENTS
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LEGAL DEPARTMENT
707-777 WEST BROADWAY
VANCOUVER BC V6C 4J7 CA CANADA

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OFFICE OF PETITIONS

In re Application of :
Simon Walker, et al. :
Application No. 29/190,600 : ON PETITION
Filed: September 25, 2003 :
Attorney Docket No. DFPM-ID-030830 :

This is a decision on the petition filed June 7, 2004 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

Petitioner requests that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is withdrawn from issue.

Petitioner is advised that the issue fee paid on April 5, 2004, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 7, 2004.

Telephone inquiries should be directed to the undersigned at (703) 305-9220.

The application is being referred to Technology Center AU 2914 for processing of the CPA.

/Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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PEAK PRODUCTS MANUFACTURING INC.
LEGAL DEPARTMENT
707-777 WEST BROADWAY
VANCOUVER BC V6C 4J7 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Simon Walker, et al.	:	
Application No. 29/190,600	:	ON PETITION
Filed: September 25, 2003	:	
Attorney Docket No. DFPM-ID-030830	:	

This is a decision on the petition filed June 7, 2004 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

Petitioner requests that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a continued prosecution application (CPA) under 37 CFR 1.53(d).

The application is withdrawn from issue.

Petitioner is advised that the issue fee paid on April 5, 2004, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed June 7, 2004.

Telephone inquiries should be directed to the undersigned at ~~(703) 305-9220~~. 571-272-3204

The application is being referred to Technology Center AU 2914 for processing of the CPA.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Best Available Copy

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PEAK INNOVATIONS INC.
ATTN: IP LEGAL DEPARTMENT
203 - 11782 HAMMERSMITH WAY
RICHMOND BC V7A-5E2 CA CANADA

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JUN 01 2007

OFFICE OF PETITIONS

In re Application of
Simon Walker et al.
Application No. 29,190,600
Filed: September 25, 2003
Attorney Docket No. DA001US1

ON PETITION

This is a decision on the petition filed March 21, 2007 to revive the above-identified application under 37 CFR 1.137(b) and to withdraw the holding of abandonment under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.
The petition under 37 CFR 1.137(b) is **DISMISSED** as involving moot issues.

The above-referenced application was held abandoned on March 29, 2006, for failure to timely pay the issue fee in response to the Notice of Allowance mailed December 28, 2006. Accordingly, a Notice of Abandonment was mailed February 23, 2007.

Petitioner claims that the Notice of Allowance mailed December 28, 2006 was never received and that in spite of an address change on February 18, 2005, the Notice of Allowance was mailed to an incorrect address.

A review of the file reveals that petitioners are in fact correct. An address change was filed February 18, 2005 and is of record, but while the address change was received, the address information was not updated by the USPTO prior to the mailing of the Notice of Allowance on December 28, 2005. Furthermore, the Notice of Allowance and Notice of Allowability were returned to the USPTO as undeliverable. Thus, they were mailed to the wrong address and as petitioners claim, not received.

In view of the above, the Notice of Abandonment is withdrawn. There is no nee to treat the petition under 37 CFR 1.137(b) and therefore the petition to revive is dismissed as involving moot issues. Further, since the abandonment is being withdrawn and no revived, the filing of the terminal disclaimer is not required and therefore will not be entered. The fee paid for the petition under 37 CFR 1.137(b) in the amount of $750 and the terminal disclaimer fee in the amount of $65 will be credited back to petitioners credit card.

Since the issue fee was tendered on January 11, 2007, this matter is being referred to the Publishing Division to be processed into a Patent. All other inquiries regarding this decision may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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SHINJYU GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

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OFFICE OF PETITIONS

In re Patent No. D489732 :
Issue Date: May 11, 2004 :
Application No. 29/190,605 : ON PETITION
Filed: September 25, 2003 :
For: PUMP :

This is in response to the petition under 37 CFR 1.183, filed November 2, 2004, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent.

The petition under 37 CFR 1.183 will not be treated on its merits, but rather will remain in the file until the United States Patent and Trademark Office (Office) receives a renewed petition under 37 CFR 1.183, as well as the payment of the requisite petition fee, the amount due on the filing of the petition. Currently, Deposit Account No. 19-2042 contains insufficient funds to pay the petition fee.

Accordingly, the petition is dismissed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

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OFFICE OF PETITIONS

In re Patent No. D489732 :
Issue Date: May 11, 2004 :
Application No. 29/190,605 : ON PETITION
Filed: September 25, 2003 :
For: PUMP :

This is in response to the renewed petition under 37 CFR 1.183, filed December 1, 2004, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent.

The original petition under 37 CFR 1.183, filed November 2, 2004, was not be treated on its merits because the Deposit Account contained insufficient funds to pay the petition fee.

The present renewed petition is **granted**.

The petition fee increased effective November 22, 2004, to $400.00. Therefore, petitioner's Deposit Account, No. 19-2042, will be charged the $400.00 fee as authorized in the petition.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter may be directed to the Certificates of Correction Branch at (703) 305-8309.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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FEB 1 2005

RICHARD C. HIMELHOCH
311 S. WACKER DRIVE
53RD FLOOR
CHICAGO IL 60606-6622

In re Application of
Gil Gold :
Serial No.: 29/190,655 :
Filed: September 24, 2003 : PETITION DECISION
Attorney Docket No.: 3041 D 003 :
:

This is in response to applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, submitted October 21, 2004, due to non-receipt of the Office action.

A review of the file history shows that a Notice of Allowance was mailed June 4, 2004, setting a three month statutory period of time to respond. As no response was received by September 7, 2004, the application was abandoned; this petition followed.

Applicant has stated the Notice was never received, and has submitted copies of docket records showing non-receipt of the Office action. A Change of Address and new Power of Attorney were received May 27, 2004; however, it was not entered into the application until after the Notice of Allowance was mailed, thereby sending the Notice to the incorrect address. Therefore, the case will be returned to pending status, and the Notice and Issue Fee Transmittal will be remailed.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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JAN 12 2005

RICHARD C. HIMELHOCH
311 S. WACKER DRIVE
53RD FLOOR
CHICAGO IL 60606-6622

In re Application of
Gil Gold
Serial No.: 29/190,655
Filed: September 24, 2003
Attorney Docket No.: 365 D003

: PETITION DECISION

This is in response to applicant's Petition to Withhold Abandonment under 37 CFR 1.181, received October 25, 2004, due to non-receipt of the Office action.

A review of the file history shows that a Notice of Allowance was mailed June 4, 2004, setting a three month statutory period to pay the Issue fee. As no response was submitted by September 7, 2004, the application was abandoned. This petition followed.

Applicant has stated that the Notice of Allowance was never received, and has submitted sufficient dockets records which prove non-receipt of the Office action. The Notice of Allowance was mailed before entry of the Revocation of Power of Attorney and Change of Address, and the Notice was mailed to the incorrect address.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance action in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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FEB 1 2005

RICHARD C. HIMELHOCH
311 S. WACKER DRIVE
53RD FLOOR
CHICAGO IL 60606-6622

In re Application of
Gil Gold
Serial No.: 29/190,655
Filed: September 24, 2003
Attorney Docket No.: 3041 D 003

: PETITION DECISION

This is in response to applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, submitted October 21, 2004, due to non-receipt of the Office action.

A review of the file history shows that a Notice of Allowance was mailed June 4, 2004, setting a three month statutory period of time to respond. As no response was received by September 7, 2004, the application was abandoned; this petition followed.

Applicant has stated the Notice was never received, and has submitted copies of docket records showing non-receipt of the Office action. A Change of Address and new Power of Attorney were received May 27, 2004; however, it was not entered into the application until after the Notice of Allowance was mailed, thereby sending the Notice to the incorrect address. Therefore, the case will be returned to pending status, and the Notice and Issue Fee Transmittal will be remailed.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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CHICAGO, IL 60606-6622

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OFFICE OF PETITIONS

In re Application of
Levy, Gold, and Shlomo
Application No.: 29/190,659
Filed: September 24, 2003
Attorney Docket No: 365 D004
For: DRY GOODS DISPENSER

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed June 1, 2004.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on September 24, 2003, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on January 28, 2003, requiring a proper oath or declaration, surcharge, and filing fees to be filed within two months of the mailing date of the notice. Extensions of time were available pursuant to 37 CFR 1.136(a). On June 1, 2004, the instant petition was filed along with a request for an extension of time within the fifth month, a declaration executed by two of the three named inventors, the surcharge, and the filing fee. Petitioner has shown that inventor Shlomo has refused to join the filing of the above-identified application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosures: "Notice Regarding Change of Power of Attorney"
"Notice of Acceptance of Power of Attorney"

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LOCKE, LIDDELL & SAPP LLP
600 TRAVIS STREET
SUITE 3400
HOUSTON, TX 77002

9/22/05

In re Application of
Kiyoshi Hoshino
Serial No.: 29/190,766
Filed: September 25, 2003
Attorney Docket No.: 10872.0349.NPUS00

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received August 1 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Office action mailed July 22, 2004, which set a three-month shortened statutory period to respond. As no response was received by October 22, 2004, a Notice of Abandonment was mailed April 25, 2005; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A proper terminal disclaimer was submitted by facsimile on August 17, 2005.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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APR 27 2004

Robert S. Nolan
Cantor Colburn LLP
Suite 370
201 West Big Beaver Road
Troy MI 48084-4116

In re Application of	:	
Phares A. Noel	:	DECISION ON PETITION
Serial No.: 29/190,767	:	
Filed: September 25, 2003	:	
For: Ring	:	

This is in response to applicants' petition filed October 31, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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ANTHONY EDW. J CAMPBELL
PO BOX 160370
AUSTIN TX 78716

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OFFICE OF PETITIONS

In re Application of :
Nesco, et al. :
Application No. 29/190,827 : ON PETITION
Filed: September 26, 2003 :
Attorney Docket No. MMB372 :
For: LAWNMOWER BLADE

This is a decision on the petition under 37 CFR 1.137(b), filed May 3, 2006 (certificate of mailing date April 28, 2006), to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee within three (3) months of the mail date of the Notice of Allowance and Fee(s) Due, mailed on April 30, 2004. Accordingly, this application became abandoned on July 31, 2004. A Notice of Abandonment was mailed on September 29, 2004.

Applicants have submitted a proper reply in the form of the issue fee and a completed PTOL-85B, an acceptable statement of the unintentional nature of the delay in responding to the April 30, 2004 Notice of Allowance and Fee(s) Due, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

This application is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of :
Pan, Peter :
Application No. 29/190,839 : ON PETITION
Filed: September 26, 2003 :
Attorney Docket No. 3875-D62 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 5, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed September 21, 2004, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 22, 2004. A Notice of Abandonment was mailed on March 14, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (4). Since the instant application is a design application, a terminal disclaimer and fee are required. A blank terminal disclaimer form is enclosed for petitioner's convenience.

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 Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/62

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MICHAEL WINFIELD GOLTRY
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PHOENIX AZ 85012

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OFFICE OF PETITIONS

In re Application of :
Peter Pan :
Application No. 29/190,839 : DECISION ON PETITION
Filed: September 26, 2003 :
Attorney Docket No. 3875-D62 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 3, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit formal drawings on or before December 21, 2004, as required by the Notice of Allowance and Fee(s) Due mailed September 21, 2004. Accordingly, the date of abandonment of this application is December 22, 2004. A Notice of Abandonment was mailed March 14, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected formal drawings (previously filed on December 5, 2005); (2) the petition fee of $1500.00 (previously paid on December 5, 2008); (3) a proper statement of unintentional delay (previously filed on December 5, 2008); and (4) a Terminal Disclaimer with the accompanying $130.00 fee.

The request for a terminal disclaimer is accepted and has been made of record.

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

This application is being referred to the Office of Data Management for processing into a patent and review of formal drawings submitted on December 5, 2005.

for

Liana Walsh
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/05/06

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/190847** Patent No.: **D518887**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Certificates of Correction Branch

703-308-9390 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: See NOA of 1/23/06

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE 2916 **Art Unit**

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS TX 75201

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OFFICE OF PETITIONS

In re Application of :
Juan Antonio Ertze Encinas et al. :
Application No. 29/190,867 : ON PETITION
Filed: September 27, 2003 :
Attorney Docket No.: **67203177.001300** :

This is a decision on the petition filed July 17, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed May 23, 2006. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned August 24, 2006. Accordingly, a Notice of Abandonment was mailed December 4, 2006.

All other requirements of 37 CFR 1.137(b) having now been met, including the filing of a terminal disclosure, this matter is being referred to Technology Center 2911 for appropriate action on the amendment filed July 17, 2007.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604-1619

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OFFICE OF PETITIONS

In re Application of	:	
Jay K. Achenbach	:	DECISION DISMISSING PETITION
Application No. 29/190,911	:	UNDER 37 CFR 3.81(b)
Filed: 29 September, 2003	:	
Atty Docket No. 03164	:	

This is a decision on the "PETITION TO CORRECT NAME OF ASSIGNEE ON PATENT ISSUED," filed on 28 October, 2004, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee information on the Fee(s) Transmittal form PTOL-85(b).

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioner.

The request is **dismissed**.

Petitioners state that the assignee's name is incorrectly captioned on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to **WORLD TABLEWARE INC.**

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a

[1] See Official Gazette of June 22, 2004.

> certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to WORLD TABLEWARE INC., TOLEDO, OH has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that WORLD TABLEWARE INC., TOLEDO, OH was the assignee of record at the time of issuance of the instant application into a patent. *Note also* 35 U.S.C. § 152.

In view of the above **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth WORLD TABLEWARE INC., TOLEDO, OH, as the assignee**. *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision* ***must*** *accompany the request for a Certificate of Correction.*

The fee for the request under 37 CFR 3.81(b) has been charged to counsel's deposit account, as authorized in the petition.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

The address on the petition is different than the correspondence address. A courtesy copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions pertinent thereto should be directed to the Certificates of Correction Branch at (703) 305-8309.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: Gregg W. Emch
P.O. Box 916
Toledo, OH 43697-0916

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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BIRCH, STEWART, KOLASCH & BIRCH, LLP
PO BOX 747
FALLS CHURCH VA 22040-0747

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Patent No. D496,266
Issue Date: September 21, 2004
Application No. 29/190,961
Filed: October 1, 2003
Attorney Docket No. 0104-0441P

DECISION ON PETITION

This is a decision on the petition filed on September 15, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of Certificate of Correction.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

Upon a review of the records, it does not appear that the assignment to Astra Tech AB was submitted for recordation as set forth in 3.11 before issuance of the patent. The Notice of Recordation of Assignment Document provided by petitioner indicates that the assignment to Astra Tech AB was recorded on December 15, 2004, after the patent issued on September 21, 2004.

Accordingly, the request is **dismissed**.

Petitioner may request a refund of the $400.00 petition fee and the $100.00 certificate of correction fee by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

[1] *See* Official Gazette of June 22, 2004.

A copy of this decision should accompany petitioner's request.

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

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

By FAX: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ECOLAB INC
840 SIBLEY MEMORIAL HIGHWAY
MENDOTA HEIGHTS MN 55118

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SEP 10 2004

OFFICE OF PETITIONS

Patentee: Milliorn, et al.
Patent No. D492,356
Issued: June 29, 2004
Attorney Docket No. 1945US02

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed July 19, 2004.

The fee deficiency submission under 37 CFR 1.28 is hereby **accepted.**

Deposit Account No. 50-1257 has been charged $240.

The change of status to a large entity has been entered and made of record.

The file is being forwarded to Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael D. Bednarek
Shaw Pittman LLP
1650 Tysons Boulevard
McLean VA 22102

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APR 3 0 2004

OFFICE OF PETITIONS

In re Application of
Jinno, et al.
Application No. 29/191,050
Deposited: October 2, 2003
Attorney Docket No. KAW0001-DES
For: RADIO REMOTE CONTROL UNIT

DECISION DISMISSING PETITION

This is a decision on the Petition to Accord Filing Date and Response to Notice of Incomplete Nonprovisional Application filed January 16, 2004, requesting that the Notice of Incomplete Nonprovisional Application (Notice) mailed December 2, 2003, in the above-identified application be withdrawn.

The present design application was deposited on October 2, 2003. However, on December 2, 2003, the Office mailed a Notice informing applicants that a filing date had not been accorded to the application papers deposited on October 2, 2003 because the specification as filed did not include at least one claim as required by 35 U.S.C. 112.

In response, petitioners timely filed the instant petition, asserting therein that the application as filed on October 2, 2003 did contain a claim. Petitioners state that this one claim obviates the alleged deficiency recited in the Notice. The alleged claim reads,"The ornamental design for a RADIO REMOTE CONTROL UNIT, as shown and described." However, applicants failed to add the words "WE CLAIM" as a preface to the claim.

The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes section 112 applicable to design applications. Section 112 requires that the "specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Thus, the requirement for a claim in a design application is not pro forma, but is a necessary part of a complete design application.

However, the form of a claim in a design application is fixed by rule, and in that way, is different from the claims of other applications. §1.153 specifically provides that:

> The title of the design must designate the particular article. No description, other than a reference to the drawing, is ordinarily required. The claim shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. More than one claim is neither required nor permitted.

The examples of proper claims listed in the examiner paragraphs in MPEP 1503.03 all begin with the words "I/We claim: ..."

A review of the record reveals that the language "We claim" was omitted from the specification filed on October 2, 2003. It is also clear that there is no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the informal claim language be accepted for filing date purposes and applicant be allowed to amend the application under §1.182 to include the words "We claim."

Accordingly, the petition is **DISMISSED** to the extent that the Notice was not mailed in error and will not be withdrawn. The petition fee will not be refunded as its mailing was due to an error on the part of the petitioners.

The application is entitled to a filing date of October 2, 2003.

However, petitioner is advised that a preliminary amendment adding the words "We claim" to the informal claim is required before the first Office action on the merits. The preliminary amendment must be set forth in a separate paper. See 37 CFR 1.4(c). Thus, the request in the petition to add the words "We claim" to the informal claim cannot be granted.

The application is being returned to the Office of Initial Patent Examination for further processing as a design application with a filing date of **October 2, 2003**, using the application papers filed on October 2, 2003.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

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AUG 22 2006
OFFICE OF PETITIONS

In re Patent No. D515319
:
Issue Date: February 21, 2006
:
Application No. 29/191,068
: ON PETITION
Filed: October 1, 2003
:
Attorney Docket No. 102792-177/11239D3

This is a decision on the petition filed April 3, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **granted**.

The fee for this request is $130.00. Petitioner was charged $400.00 for the petition fee. Deposit account 14-1263 will refunded $270.00, in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK, NY 10150-5257

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NOV 0 8 2004

OFFICE OF PETITIONS

In re Patent No. D495,919 :
Issue Date: September 14, 2004 :
Application No. 29/191,070 : ON PETITION
Filed: September 30, 2003 :
Attorney Docket No. 04304/100L577-US2 :

This is a decision on the petition filed October 27, 2004, to waive the rules and accept the correction of the assignee on the front page of the above-identified patent.

The petition is granted.

Telephone inquiries concerning this matter may be directed to Wan Laymon at (571) 272-3220. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a Certificate of Correction to correct the assignee name to:

Multibras S.A. Eletrodomesticos

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Attn: Stuart O. Lowry
KELLY BAUERSFELD LOWRY & KELLEY, LLP
Suite 1650
6320 Canoga Avenue
Woodland Hills CA 91367

In re Application of
Bruce D. Burrows :
Serial No.: 29/191,076 :
Filed: September 30, 2003 : PETITION DECISION
Attorney Docket No.: 44730-BGOLF :
:

This is in response to applicant's letter, which is being treated as a Petition under 37 CFR 1.181, received by facsimile January 7, 2005, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed July 14, 2004, setting a three-month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was submitted September 1, 2004; however, upon failure to file formal drawings by October 14, 2004, a Notice of Abandonment was mailed on September 30, 2004.

Applicant has stated that he filed formal drawings May 24, 2004, and has submitted copies of the response which included a Certificate of Mailing and post card receipt. The formal drawings were not immediately associated with the case; thereby the Examiner made the drawing requirements that applicant had already made. Therefore, as the formal drawings were timely submitted, the application will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS CO 80527-2400

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JAN 23 2004

OFFICE OF PETITIONS

In re Application of
Pete Hwang et al.
Application No. 29/191,080
Filed: September 30, 2003
Attorney Docket No. 200310907-1

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on September 30, 2003.

The petition is GRANTED.

The above-identified application was filed on September 30, 2003, with a declaration naming Pete Hwang, Justine Worley, Peter Sikora and David W. Leong as joint inventors and signed by inventors Hwang, Worley and Leong only. The present petition was also filed on September 30, 2003 requesting status under 37 CFR 1.47 claiming that joint inventor Sikora could not be located.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The statement provided by Attorney, Jack McKinney, indicates that attempts to reach Mr. Sikora at the last known address were unsuccessful, that attempts to reach Mr. Sikora by E-mail were unsuccessful and that phone calls to numbers listed for Peter Sikora in New York were made but none were the Peter Sikora associated with the instant application and thus those attempts to reach Mr. Sikora were also unsuccessful.

The evidence provided indicates that in spite of diligent efforts, Mr. Sikora could not be located.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors 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 forwarded to the Office of Initial Patent Examination to be processed in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
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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PETER SIKORA
4796 VALENCIA DRIVE
SAN DIEGO, CA 92129-1205

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JAN 23 2004

OFFICE OF PETITIONS

In re Application of
Pete Hwang et al.
Application No. 29/191,080
Filed: September 30, 2003
For: DEVICE INTERFACE

Dear Mr. Sikora:

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 Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS CO 80527-2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 23 2004

OFFICE OF PETITIONS

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P.O. BOX 272400
FORT COLLINS CO 80527-2400

In re Application of
Pete Hwang et al.
Application No. 29/191,081
Filed: September 30, 2003
Attorney Docket No. 200309533-1

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on September 30, 2003.

The petition is GRANTED.

The above-identified application was filed on September 30, 2003, with a declaration naming Pete Hwang, Justine Worley, Peter Sikora and David W. Leong as joint inventors and signed by inventors Hwang, Worley and Leong only. The present petition was also filed on September 30, 2003 requesting status under 37 CFR 1.47 claiming that joint inventor Sikora could not be located.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The statement provided by Attorney, Jack McKinney, indicates that attempts to reach Mr. Sikora at the last known address were unsuccessful, that attempts to reach Mr. Sikora by E-mail were unsuccessful and that phone calls to numbers listed for Peter Sikora in New York were made but none were the Peter Sikora associated with the instant application and thus those attempts to reach Mr. Sikora were also unsuccessful.

The evidence provided indicates that in spite of diligent efforts, Mr. Sikora could not be located.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors 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 forwarded to the Office of Initial Patent Examination to be processed in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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PETER SIKORA
4796 VALENCIA DRIVE
SAN DIEGO, CA 92129-1205

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JAN 23 2004

OFFICE OF PETITIONS

In re Application of
Pete Hwang et al.
Application No. 29/191,081
Filed: September 30, 2003
For: DEVICE INTERFACE

Dear Mr. Sikora:

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 Petitions Attorney at (703) 305-4497. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
P.O. BOX 272400
FORT COLLINS CO 80527-2400

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APR 18 2005

BRIGGS AND MORGAN
80 SOUTH 8TH STREET
#2200
MINNEAPOLIS, MN 55402-2157

In re Application of
Kenneth L Kasden
Serial No.: 29/191,109
Filed: October 1, 2003
Attorney Docket No.: 33920.3

: PETITION DECISION

This is in response to telephone conversations with Examiner Nanda Bondade and Supervisory Patent Examiner Stella Reid, which is being treated as a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, due to non-receipt of the Office action.

A review of the file history shows that a Notice of Allowance was mailed May 26, 2004, setting a three month statutory period of time to respond. As no response was received by August 26, 2004, a Notice of Abandonment was mailed on December 13, 2004.

Applicant has stated the he never received the Notice, which is evident when viewing the address on the Notice; the Patent Office clearly was in error, which was corrected before the mailing of the Notice of Abandonment. Therefore, the case will be returned to pending status, and the Notice and Issue Fee Transmittal will be remailed to the correct address.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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SUTHERLAND ASBILL & BRENNAN LLP
999 PEACHTREE STREET, N.E.
ATLANTA GA 30309

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SEP 29 2005

OFFICE OF PETITIONS

In re Application of :
Robert B. Denton :
Application No. 29/191,141 :
Filed: October 3, 2003 :
Attorney Docket No. 23732.0022 :

ON PETITION

This is a decision on the petition filed August 16, 2005, to revive the above identified application under 37 CFR 1.137(b)[1].

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned on January 16, 2005, for failure to file a timely response to a Restriction Requirement mailed December 15, 2004, which set a 30 day shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The petition fee in the amount of $1500.00 has been applied to the finance records for the instant patent application.

The response to the Restriction Requirement filed August 16, 2005 will be referred to Technology Center 2915 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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DIW Jun-05

MARK J. BURNS
HAUGEN LAW FIRM PLLP
1130 TCF TOWER
121 S. EIGHTH STREET
MINNEAPOLIS MN 55402

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Thomas P. Meehan	:	
Application No. 29/191,182	:	ON PETITION
Filed: 2 October, 2003	:	
Atty Docket No. 2003-2019.DES	:	

This is a decision on the petition filed on 21 April, 2005, requesting that the above-identified application be accorded a filing date of 2 October, 2003, with Figure 5 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 2 October, 2003.

Accordingly, on 22 February, 2005, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 2 October, 2003, but that Figure 5 described in the specification appeared to have been omitted.

In response, on 21 April, 2005, the present petition and a copy of, *inter alia*, one (1) sheet of drawings containing Figure 5 described in the specification were filed. Petitioner argues that the sheet of drawings containing Figure 5 was filed with the other application papers on 2 October, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an "Office-date" stamp of 2 October, 2003, and identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, "five sheets of informal drawings." Petitioner requests that the

application, including one (1) sheet of drawings containing Figure 5 described in the specification, be accorded a filing date of 2 October, 2003.

A review of the record reveals that no sheet of drawings containing Figure 5 described in the specification has been located among the four (4) sheets of drawings deposited with the application papers received on 2 October, 2003. However, the evidence is convincing that the application papers deposited on 2 October, 2003, included five (5) sheets of drawings, one of which included Figure 5 described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 5 described in the specification, is entitled to a filing date of 2 October, 2003.

The "Notice" mailed on 22 February, 2005, is vacated.

In view of the above, the petition is granted. The $400.00 in petition fee paid with the present petition is unnecessary and will be refunded to counsel's deposit account, No. 50-0789, as authorized on the Design Patent Application Transmittal filed on 2 October, 2003.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 5 supplied on 21 April, 2005, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 2 October, 2003, using the application papers filed on that date, and the one (1) sheet of drawings containing Figure 5 supplied with the present petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 08 2004

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

LAURENCE B. NOEL
P.O. BOX 293
HUNTLEY, MT 59037

In re Application of	:
Laurence B. Noel	:
Serial No.: 29/191,184	: PETITION DECISION
Filed: October 1, 2003	:
Attorney Docket No.:	:

This is a decision on applicant's Petition to Withdraw Holding of Abandonment, which is being treated as a Petition under 37 CFR 1.181 received July 9, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to respond to the office action mailed March 24, 2004, which set a three-month shortened statutory period to respond. As no response was received by June 24, 2004, the application was abandoned. Applicant then filed this petition.

Applicant has submitted that the Office action was never received. He states that a change of address was filed with the local Post office; however, no evidence has been submitted that the change of address was filed with the Patent Office. Applicant is advised he was required to have filed a change of address with the Patent Office for his correspondence to have been mailed to the correct address. Unless applicant can submit proof that this was submitted to the Office prior to the mailing of the Office action, a petition under 37 CFR 1.137(b) will need to be filed instead to revive the current application. If applicant can file a response to the Office action by September 24, 2004, applicant can instead file the response along with an extension of time for three months.

A petition under 37 CFR 1.137(b) for revival of an application abandoned unintentionally must be filed promptly after applicant becomes aware of the abandonment of the application. The petition must be accompanied by (1) a verified statement that the application was abandoned unintentionally for the entire period of abandonment, (2) by the petition fee of $665.00 for a small entity, (3) by a full and complete response to the last Office action and (4) by a terminal disclaimer and fee therefor of $55.00. If the application has been abandoned for more than one year an explanation of the delay in filing the petition is also required. A copy of this petition and the Office action has been included with this petition decision.

Applicant's petition is **DISMISSED** without prejudice to the filing of a renewed petition.

Any renewed petition must be filed with **TWO MONTHS** of the mailing date of this decision in order to be considered timely.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
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Kenneth C. Brooks
P.O. Box 10417
Austin TX 78766-1417

6/24/05

In re Application of
To-En Huang
Serial No.: 29/191,197
Filed: October 2, 2003
Attorney Docket No.: SII-05-05S03

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on March 11, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Notice of Allowance and Issue fee due mailed June 22, 2004. Applicant filed a Request for Continued Examination (RCE) on September 20, 2004; this request was denied in a letter mailed February 15, 2005, as RCE's do not apply to design patent applications. Therefore, as a proper response was not filed by September 22, 2004, the application was abandoned; this petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The filing of a Continued Prosecution Application (CPA) is considered a proper response. Applicant is advised that as the petition was filed before the mailing of the Notice of Abandonment, the requirement for a terminal disclaimer was been waived.

Applicant's petition is **GRANTED**.

The application will be forwarded to be processed as a CPA in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

~~John Kittle~~ Jacqueline Stone
Director, Technology Center 3700/2900

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LOWELL W. GRESHAM
MESCHKOW & GRESHAM, PLC
SUITE 409
5727 NORTH SEVENTH STREET
PHOENIX, AZ 85014

In re Application of
Keith K. Wong
Serial No.: 29/191,243
Filed: October 3, 2003
Attorney Docket No.: 2267-070

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received January 18, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 24, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by August 24, 2004, a Notice of Abandonment was mailed to applicant September 29, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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ALEXANDRIA, VA 22313-1450
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FEB 1 2005

Collen IP
The Holeyoke Manhattan Building
80 South Highland Avenue
Ossining NY 10562

In re Application of
Alexandra Helen Warwick Alexander :
Serial No.: 29/191,389 :
Filed: October 7, 2003 : PETITION DECISION
Attorney Docket No.: 81995 :

This is in response to applicant's Petition under 37 CFR 1.181, filed October 26, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice to File Missing Parts was mailed December 4, 2003, setting a two month period to submit a signed oath or declaration and a surcharge. As no response was submitted by February 4, 2004, a Notice of Abandonment was mailed on October 13, 2004. This petition followed.

Applicant has provided a copy of the Declaration, which was eventually matched with the response. The response was submitted by facsimile on March 16, 2004, along with a two-month extension of time. The required copy of the Notice to File Missing Parts was either not submitted, or was not matched with applicant's response, which attributed to the papers not being associated properly with the application.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

As there are no fees associated with Petition granted under 37 CFR 1.181, the $130.00 Petition fee will be refunded to applicant's Deposit Account. Applicant did not submit the $65.00 surcharge for filing a late Oath or Declaration, as required on the Notice to File Missing Parts. Therefore, these fees will be charged to applicant's Deposit Account 03-2465, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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FEB 1 2005

Collen IP
The Holeyoke Manhattan Building
80 South Highland Avenue
Ossining NY 10562

In re Application of
Alexandra Helen Warwick Alexander :
Serial No.: 29/191,389 :
Filed: October 7, 2003 : PETITION DECISION
Attorney Docket No.: 81995 :

This is in response to applicant's Petition under 37 CFR 1.181, filed October 26, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice to File Missing Parts was mailed December 4, 2003, setting a two month period to submit a signed oath or declaration and a surcharge. As no response was submitted by February 4, 2004, a Notice of Abandonment was mailed on October 13, 2004. This petition followed.

Applicant has provided a copy of the Declaration, which was eventually matched with the response. The response was submitted by facsimile on March 16, 2004, along with a two-month extension of time. The required copy of the Notice to File Missing Parts was either not submitted, or was not matched with applicant's response, which attributed to the papers not being associated properly with the application.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

As there are no fees associated with Petition granted under 37 CFR 1.181, the $130.00 Petition fee will be refunded to applicant's Deposit Account. Applicant did not submit the $65.00 surcharge for filing a late Oath or Declaration, as required on the Notice to File Missing Parts. Therefore, these fees will be charged to applicant's Deposit Account 03-2465, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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David Chen
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

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OCT 0 7 2004

OFFICE OF PETITIONS

In re Application of :
McClaskie :
Application No. 29/191,408 : ON PETITION
Filed: July 9, 2004 :
Attorney Docket No. 03824-D0137A GSW/DC :

This is a decision on the petition filed July 9, 2004, to accord the above-identified application a filing date of October 7, 2003.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Papers were filed on October 7, 2003.

On May 18, 2004, the Office of Initial Patent Examination mailed a Notice stating that a specification and an oath or declaration were not present and that a filing date had not been accorded and the filing date would be the date of receipt of a specification.

In response, the present petition was filed. Petitioner alleges a specification and declaration were were filed with the original application.

All the evidence present in the file has been carefully considered, but is not persuasive that a specification and declaration were submitted on October 7, 2003.

The last portion of MPEP 513 states,

> Where there is a dispute as to the contents of correspondence submitted to the Office (e.g., an applicant asserts that three sheets of drawings were submitted under 37 CFR 1.10 with an application, but the Office records indicate receipt of only two sheets of drawings with the application) ... The Office will rely upon its official record of the contents of such correspondence in absence of convincing evidence (e.g. a postcard receipt . . . .

MPEP 503 states (emphasis added),

> The identifying data on the postcard should include:
> (A) applicant's name(s);
> (B) title of invention;
> (C) **number of pages of specification, claims (for nonprovisional applications), and sheets of drawing**;

(D) whether oath or declaration is included;
(E) a list of any additional forms included with the application (e.g., application transmittal form, application data sheet, fee transmittal form, and /or provisional application cover sheet); and
(F) amount and manner of paying the fee.

A return postcard should be attached to each patent application for which a receipt is desired.

It is important that the return postcard itemize all of the components of the application. **If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO).** . . .

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

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. **The postcard should also identify the type of paper being filed**, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., **and the number of pages being submitted.** If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., **the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).**

The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as prima facie evidence of receipt of those items.

Since the postcard is not properly itemized it will not serve as prima facie evidence of the prior submission of the specification and declaration.

While petitioner apparently believes that the specification and declaration were filed on October 7, 2003, Office records[1] indicate such papers were not received, since no such papers are present in the file. An applicant alleging that a paper was filed in the USPTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The evidence submitted does not have more probative value than the official government record of what was actual received in the USPTO on October 7, 2003.

---

[1] The file contains the actual papers received and the file is an official government record prepared and maintained by disinterested USPTO employees as a part of their customary and usual duties.

The Office of Initial Patent Examination will be instructed to assign the application a filing date of July 9, 2004, and to process the application using the papers filed on October 7, 2003, along with the papers filed on July 9, 2004.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 21, 2006

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/191414 Patent No.: D,509,252 S

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Elisha Evans
Certificates of Correction Branch

703-308-9390 ext. 110

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments: Various typographical and format irregularities exist in the CofC submitted by applicant. Examiner has attached a corrected version of a Certificate of Correction to this form.

ROBERT M, SPEAR
PRIMARY EXAMINER

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

Caron D Veynar
SPE

2913
Art Unit

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
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 displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D509,252

APPLICATION NO.: 29/191,414

ISSUE DATE : September 6, 2005

INVENTOR(S) : Yuval Isakov

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Front Page, the Title (54) [WRAP-AROUND SHEET DESIGN FOR DISPLAY USE ON A SHOPPING CART] should read:

-- WRAP-AROUND SHEET FOR DISPLAY USE ON A SHOPPING CART --.

Front Page, DESCRIPTION: Delete all text under the heading "DESCRIPTION" and replace as follows:

-- Fig. 1 is a first side view of a wrap-around sheet for display use on a shopping cart showing my new design;

Fig. 2 is a top view of the wrap-around sheet for display use on a shopping cart of Fig. 1 shown of enlarged thickness to illustrate the points of angulation;

Fig. 3 is a view of the side of the wrap-around sheet for display use on a shopping cart identical to the view of Fig. 1 but from the opposite side;

Fig. 4 is a bottom view of the wrap-around sheet for display use on a shopping cart of Fig. 1 similarly shown of enlarged thickness to illustrate the points of angulation; and

Fig. 5 is an end view of the wrap-around sheet for display use on a shopping cart of Fig. 1 which is applicable to either of the two opposite ends. --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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December 6, 2006

Patent No. : D,509,252 S
Ser. No. : 29/191414
Inventor(s) : Isakov
Issued : September 6, 2005
Title : **WRAP-AROUND SHEET DESIGN FOR DISPLAY USE ON A SHOPPING CART**
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Inspection of the patent application file reveals, that the alleged error(s) in the **Title (item 54)**, and **Text under Description**, various typographical and format irregularities exist in the Certificate of Correction submitted by applicant. Examiner has attached a corrected version of a Certificate of Correction to this form. The new Certificate of Correction by Examiner will be issued as corrections needed for the patent.

In view of the foregoing, your request is hereby denied.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110 or (703) 308-8309

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 31 2005

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

Collen IP
The Holeyoke Manhattan Building
80 South Highland Avenue
Ossining NY 10562

In re Application of
Alexandra Helen Warwick Alexander :
Serial No.: 29/191,418 :
Filed: October 7, 2003 : PETITION DECISION
Attorney Docket No.: 85225 :

This is in response to applicant's Petition under 37 CFR 1.181, filed October 26, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice to File Missing Parts was mailed December 5, 2003, setting a two month period to submit a signed Oath or Declaration, remaining filing fee, and a surcharge. As no response was submitted by February 5, 2004, a Notice of Abandonment was mailed on October 14, 2004. This petition followed.

Applicant has provided a copy of the Declaration, which was eventually matched with the response. The response was submitted by facsimile on March 16, 2004, along with a two-month extension of time. The required copy of the Notice to File Missing Parts was either not submitted, or was not matched with applicant's response, which attributed to the papers not being associated properly with the application.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

As there are no fees associated with Petition granted under 37 CFR 1.181, the $130.00 Petition fee will be refunded to applicant's Deposit Account. Applicant did not submit the $65.00 surcharge for filing a late Oath or Declaration, as required on the Notice to File Missing Parts. The $210.00 two-month extension of time also has not been charged yet; therefore, these fees will be charged to applicant's Deposit Account 03-2465, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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JAN 31 2005

Collen IP
The Holeyoke Manhattan Building
80 South Highland Avenue
Ossining NY 10562

In re Application of
Alexandra Helen Warwick Alexander :
Serial No.: 29/191,418 :
Filed: October 7, 2003 : PETITION DECISION
Attorney Docket No.: 85225 :

This is in response to applicant's Petition under 37 CFR 1.181, filed October 26, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice to File Missing Parts was mailed December 5, 2003, setting a two month period to submit a signed Oath or Declaration, remaining filing fee, and a surcharge. As no response was submitted by February 5, 2004, a Notice of Abandonment was mailed on October 14, 2004. This petition followed.

Applicant has provided a copy of the Declaration, which was eventually matched with the response. The response was submitted by facsimile on March 16, 2004, along with a two-month extension of time. The required copy of the Notice to File Missing Parts was either not submitted, or was not matched with applicant's response, which attributed to the papers not being associated properly with the application.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to an Examiner for initial examination in due course.

As there are no fees associated with Petition granted under 37 CFR 1.181, the $130.00 Petition fee will be refunded to applicant's Deposit Account. Applicant did not submit the $65.00 surcharge for filing a late Oath or Declaration, as required on the Notice to File Missing Parts. The $210.00 two-month extension of time also has not been charged yet; therefore, these fees will be charged to applicant's Deposit Account 03-2465, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Brian P. Hopkins, Esq.
Mintz. Levin. Cohn, Ferris,
Glovsky and Popeo, P.C.
666 Third Avenue, 24th Floor
New York NY 10017

In re Application of :
Raphaelle Hanley :
Serial No.: 29/191,507 : **REQUEST FOR EXPEDITED**
Filed: October 7, 2003 : **EXAMINATION**
For: Handbag :

This is in response to the Request for expedited examination applicant filed December 9, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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SEP 20 2005

OFFICE OF PETITIONS

In re Application of :
Chris Petrick et al. :
Application No. 29/191,522 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No. 6607-90755 :

This is a decision on the petition filed August 31, 2005 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned August 19, 2005 for failure to timely pay the issue fee on or before August 18, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

The issue fee and petition fee, in accordance with 37 CFR 1.18, have been posted to the finance records for this application. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

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OFFICE OF PETITIONS

In re Application of :

Tzen-Chin Lee :

Application No. 29/191,526 : DECISION ON PETITION

Filed: October 10, 2003 :

Attorney Docket No. MR2349-960

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 13, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No extensions of time were obtained within the allowable period. Accordingly, the application became abandoned on July 14, 2004. A Notice of Abandonment was mailed on October 21, 2005.

The amendment filed November 22, 2005, is noted.

The terminal disclaimer filed November 22, 2005, is also noted.

The application is being forwarded to Technology Center 2900, GAU 2911 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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WALNUT CREEK, CA 94598

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OFFICE OF PETITIONS

In re Application of :
Mei-Chuang Chen :
Application No. 29/191,527 : ON PETITION
Filed: October 10, 2003 :
Attorney Docket No. FP9813 :

This is a decision on the petition, filed June 21, 2006, to revive the above-identified application under 37 CFR 1.137(b).

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

The petition lacks items 4 above. Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $130 ($65 if small entity) is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

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PMB # 1008
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WALNUT CREEK, CA 94598

In re Application of
Mei-Chuang
Application No. 29/191,527
Filed: October 10, 2003
Attorney Docket No. FP9813

ON PETITION

This is a decision on the renewed petition, filed January 25, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **DISMISSED**.

A review of the record discloses that a Notice of Allowance and Issue Fee(s) Due was mailed on April 7, 2004, along with a Notice of Allowability requiring corrected formal drawings. Since there was no response filed on or before July 7, 2004, a Notice of Abandonment was mailed on August 13, 2004. On October 10, 2004, a petition to withdraw the holding of abandonment was filed. It is noted that, while no formal decision on the petition mailed, a Corrected Notice of Allowance issued on March 31, 2005, which set a new period for reply of three (3) months, i.e., June 30, 2005. The application subsequently became abandoned on July 1, 2005, for a failure to pay the requisite issue fee. On June 21, 2006, a petition to revive under 37 CFR 1.137(b) was filed. The petition was dismissed in a decision mailed December 28, 2006, since the petition did not include a terminal disclaimer. On January 25, 2007, the present petition was filed, along with a terminal disclaimer and fee.

As the record has shown, there is an outstanding requirement for corrected formal drawings. For applicant's convenience a copy of the April 7, 2007, Notice of Allowability is enclosed. The petition cannot be granted until the corrected drawings are filed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

By mail:

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

The centralized facsimile number is **(571) 273-8300**.

Correspondence regarding this decision may also be filed through the Electronic Filing System of the USPTO.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204. To expedite consideration, petitioner may wish to contract the undersigned upon the filing of the renewed petition under 37 CFR 1.137(b).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Enclosure: Notice of Allowability mailed April 7, 2004

Notice of Allowability	Application No.	Applicant(s)	
	29/191,527	CHEN, MEI-CHUANG	
	Examiner	Art Unit	
	T. Chase Nelson	2913	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the facsimile transmission received 24 March 2004*.

2. ☒ The allowed claim(s) is/are *1*.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The corrected drawings received in the facsimile transmission of 24 March 2004 are acknowledged and approved. Formal drawings including these corrections must now be submitted.

When preparing new drawings in compliance with the requirement therefor, care must be exercised to avoid introduction of anything that could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. Chase Nelson whose telephone number is 571-272-2641. The examiner can normally be reached Monday through Thursday from 7:00 AM to 3:00 PM and at various times throughout the week and weekend.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Gandy, can be reached on 571-272-2579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES GANDY
SUPERVISORY PATENT EXAMINER
GROUP 2900

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OFFICE OF PETITIONS

In re Application of
Mei-Chuang Chen
Application No. 29/191,527
Filed: October 10, 2003
Attorney Docket No. FP9813

ON PETITION

This is a decision in response to the renewed petition, filed September 13, 2007, to revive the above-identified design application under 37 CFR 1.137(b).

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue on or before June 30, 2005. A Notice of Abandonment was mailed May 25, 2006.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the corrected formal drawings, as well as payment of the issue fee, (2) the petition fee of $750, (3) an adequate statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed January 27, 2007 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Publishing Division for further processing, including overseeing the review of the drawing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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ROBERT H. BACHMAN
59 RICHARD SWEET DRIVE
WOODBRIDGE CT 06525

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OFFICE OF PETITIONS

In re Application of :
Richard C. Darr et al. :
Application No. 29/191,529 : ON PETITION
Filed: October 9, 2003 :
Attorney Docket No.: 03-209 :

This is a decision on the petition filed August 12, 2005 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned January 26, 2005 for failure to timely pay the issue fee on or before January 25, 2005. Accordingly, a Notice of Abandonment was mailed July 25, 2005.

The petition does not satisfy requirement (4) above.

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

design application. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

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

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

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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WOODBRIDGE, CT 06525

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OFFICE OF PETITIONS

In re Application of
Richard C. Darr et al.
Application No. 29/191,529
Filed: October 9, 2003
Attorney Docket Number: -03209

ON PETITION

This is a decision on the renewed petition, filed November 14, 2005 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned January 26, 2005 for failure to timely pay the issue fee on or before January 25, 2005. Accordingly, a Notice of Abandonment was mailed July 25, 2005. A petition to revive was filed August 12, 2005 authorizing the payment of the issue fee but was dismissed in a decision mailed November 4, 2005 because the petition was not accompanied by a terminal disclaimer.

All other requirements of 37 CFR 1.137(b), including the filing of a terminal disclaimer, having now been met, this matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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SUITE 115
MIAMI FL 33180

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OFFICE OF PETITIONS

In re Application of
Gunther Kaminsky
Application No. 29/191,646
Filed: October 10, 2003
Attorney Docket Number: 7390-D03-019

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)[1], filed August 17, 2005, to revive the above identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)".This is **not** a final agency decision.

This application became abandoned April 26, 2005 for failure to file corrected drawings after the mailing of the Notice of Allowability was mailed January 25, 2005. Accordingly, a Notice of Abandonment was mailed August 3, 2005.

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Pursuant to 37 CFR 1.137(b) however, the instant petition lacks item (2) of the regulation. Effective October 1, 2004 the petition fee was set at $1500 and not $1330 as was submitted. Therefore, and since no authorizations for debiting a deposit account for any deficiencies have been granted, the petition fee has not been paid. The fees due are the fees set at the time the application file is revived.

In view thereof, the balance of the petition fee is due before a petition on the merits can be addressed and granted. The application will therefore remain in an abandoned status until such time as the petition fee has been paid.

Additionally, the application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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

By FAX: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
601 BRICKELL KEY DRIVE, SUITE 404
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UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 115
MIAMI FL 33180

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OCT 14 2005

OFFICE OF PETITIONS

In re Application of
Gunther Kaminsky :
Application No. 29/191,646 : ON PETITION
Filed: October 10, 2003 :
Attorney Docket Number: 7390-D03-019 :

This is a decision on the renewed petition, filed October 5, 2005 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned April 26, 2005 for failure to file corrected drawings after the Notice of Allowability was mailed January 25, 2005. Accordingly, a Notice of Abandonment was mailed August 3, 2005. A petition to revive was filed August 27, 2005 and was dismissed in a decision mailed September 29, 2005.

This matter is being referred to the Publishing Division for review of the drawings shown as having been received in the PTO on August 17, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/191,678	10/08/2003	2913	170	DDC-20 DES	4	1	1

10/9/2003

1473
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

OIPE JC151 MAY 26 2004 PATENT & TRADEMARK OFFICE

CONFIRMATION NO. 3297

FILING RECEIPT

OC000000011476525

Date Mailed: 12/12/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Chaim Lax, New York, NY;

RECEIVED

DEC 16 2003

FISH & NEAVE - PATENT DEPT.
REFERRED TO
NOTED BY

REMINDER - PLEASE INITIAL THIS DOCUMENT TO INDICATE THAT YOU HAVE SEEN IT

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/11/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Gem pavilion

Preliminary Class

Express Mail No.
EV132191159US

D11

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

OIPE JC161
MAY 2 6 2004
PATENT & TRADEMARK OFFICE

DDC-20 DES.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Chaim Lax

Application No.: 29/191,678 Confirmation No.: 3297

Filed : October 9, 2003

For : GEM PAVILION

Group Art Unit : 2914

Examiner : Ralf T. Seifert

New York, New York 10020
May 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Enclosed is a copy of a Filing Receipt issued by the U.S. Patent and Trademark Office in connection with the above-identified patent application. The Filing Receipt incorrectly indicates that the filing date of the application was October 8, 2003. The Filing Receipt should indicate that the filing date of the application was October 9, 2003.

As evidence of the October 9, 2003 filing date of this application, applicant encloses the following:

1. Copy of Express Mail Certification and Transmittal Letter for Design Patent

Express Mail No.
EV132191159US

Application showing that the application was transmitted under Express Mail Mailing Label No. EV132187826US on October 9, 2003; and

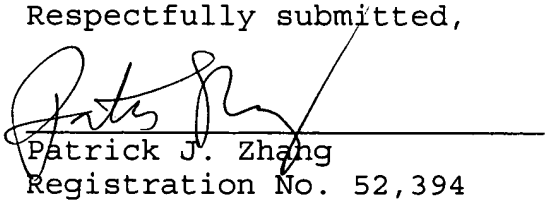
2. Copy of Express Mail Mailing Label No. EV132187826US showing the "Date In" to be October 9, 2003 and postmarked on October 9, 2003.

A marked-up copy of the Filing Receipt showing the requested change in red is enclosed. Accordingly, applicant respectfully requests that the Patent and Trademark Office issue a corrected Filing Receipt showing the corrected filing date and that any patent issuing from this application be printed with the corrected filing date.

Although applicant believes that the error being corrected was on the part of the Patent and Trademark Office, and that no fee is required in connection with this Request, the Director is hereby authorized to charge any fee due to

Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed herewith.

Respectfully submitted,



Patrick J. Zhang
Registration No. 52,394
Agent for Applicant
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020
Tel.: (212) 596-9000
Fax.: (212) 596-9090

OIPE JC151
MAY 2 6 2004
PATENT & TRADEMARK OFFICE

PACKAGE TO BE HAND-CARRIED TO P.O.

TODAY

EXPRESS MAIL ORDER SLIP

TO BE COMPLETED BY THE PATENT DEPARTMENT:

DATE: 10/9/03

EXPRESS MAIL LABEL NO.: Express Mail No. EV132187826US

DOCKET NO.: 1151.001US1

APPLICATION NO.: 10/686,180

TO BE COMPLETED BY MAILROOM CLERK AT POST OFFICE:

Customer Copy
Label 11-F October 2001

EV 132187826 US

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PO ZIP Code: 10022	Day of Delivery: ☐ Next ☒ Second	Flat Rate Envelope: ☐	
Date In: 10/9/03 (Mo. Day Year)	☒ 12 Noon ☐ 3 PM	Postage: $ 13.65	
Time In: 9:33 ☐ AM ☒ PM	Military: ☐ 2nd Day ☐ 3rd Day	Return Receipt Fee	
Weight: 11 lbs. ozs.	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery: ☐ Weekend ☐ Holiday	Acceptance Clerk Initials: [illegible]	Total Postage & Fees: $ 13.65	

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Delivery Date: Mo. Day	Time: ☐ AM ☐ PM	Employee Signature

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NO DELIVERY: ☐ Weekend ☐ Holiday — Customer Signature

CUSTOMER USE ONLY

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Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE ( )

Patrick Zhang
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
FL C3
NEW YORK NY 10020-1104

(Re: 01151.001)

TO: (PLEASE PRINT) PHONE ( )

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

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1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

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SEP 26 2005

OFFICE OF PETITIONS

In re Application of
Franco Dellaferrera
Application No.: 29/191,709
Filed: October 14, 2003
Attorney Docket No: 1729-418

ON PETITION

This is in response to the "Request for Withdrawal of Abandonment and Contingent Petition for Revival under 37 CFR 1.137(b)", filed September 15, 2005. The petition will be treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition is **granted**.

On April 6, 2004, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required the filing of an executed oath or declaration ,$130.00 surcharge, and payment of the filing fee. A proper response was not recognized as having been received within the allowable period, and the application became abandoned on June 7, 2004. A Notice of Abandonment was mailed on September 8, 2005.

The instant petition was filed on September 15, 2005, and was accompanied by an Office date-stamp postcard acknowledging receipt of a declaration and payment of the filing fee and surcharge on may 21, 2004. The holding of abandonment was improperly imposed and is withdrawn.

The declaration filed September 15, 2005, is noted and made of record. The filing fee and surcharge were received on May 21, 2004.

This application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ALBIN H. GESS
SNELL & WILMER LLP
SUITE 1200
1920 MAIN STREET
IRVINE, CA 92614-7230

COPY MAILED

DEC 0 3 2004

OFFICE OF PETITIONS

In re Application of	:	
Christopher Larsen	:	
Application No. 29/191,761	:	DECISION GRANTING PETITION
Filed: October 14, 2003	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 42526-3500	:	

This is a decision on the petition, filed November 30, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on November 8, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed November 30, 2004.

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2912 for processing of the CPA and consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/191,763	10/13/2003	2913	340	03726/0200097-US0	4	1	1

CONFIRMATION NO. 4655

CORRECTED FILING RECEIPT

OC000000012029639

07278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 03/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Atsuko Nishi, Tokyo, JAPAN;
Masahiko Taneike, Nagoya-Shi, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2003-010936 04/17/2003

If Required, Foreign Filing License Granted: 12/09/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Switch valve for water purifier

Preliminary Class

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.

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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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 1/25/05

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D498203S

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
Palm location **7580** - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Virginia Tolbert

Thank You For Your Assistance — **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Recommend approval.

Robert M. Spear
Primary Examiner
2/14/05

SPE — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/191,847	10/16/2003	2913	340	04176/0200042-US0	2	1	1

CONFIRMATION NO. 2514

07278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

CORRECTED FILING RECEIPT

OC000000012344981

Date Mailed: 04/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Taro Okamatsu, Osaka, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2003-011546 04/23/2003

If Required, Foreign Filing License Granted: 12/15/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

MOBILE PHONE

Preliminary Class

D14

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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Carl M. Davis II
Baker, Donelson, Bearman, Caldwell & Berkowitz
Suite 900
Five Concourse Parkway
Atlanta GA 30328

FEB 12 2005

In re Application of
Allan Kwong :
Serial No.: 29/191,860 :
Filed: October 14, 2003 : PETITION DECISION
Attorney Docket No.: 2170687-000026 :

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted November 23, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 12, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. As no response was submitted by July 12, 2004, the application was abandoned; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $110.00 Terminal Disclaimer fee will be refunded to applicant's Deposit Account 11-0553, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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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AUG 31 2004

Attn: D. Edward Dolgorukov
Marshall & Melhorn, LLC
Four SeaGate, 8th Floor
Toledo OH 43604

COPY FOR YOUR INFORMATION

In re Application of
Joseph P. Gebhardt et al.
Serial No.: 29/191,882
Filed: October 15, 2003
Attorney Docket No.: 1-16260

: PETITION DECISION

This is a decision on applicants' Petition under 37 CFR 1.137(b) submitted July 8, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 30, 2004, which set a three-month statutory period to pay the issue fee. As no response was received by June 30, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of abandonment, the requirement for a terminal disclaimer has been waived.

Applicants' petition is **GRANTED.**

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 13-1816, as directed.

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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AUG 31 2004

Attn: D. Edward Dolgorukov
Marshall & Melhorn, LLC
Four SeaGate, 8th Floor
Toledo OH 43604

In re Application of
Joseph P. Gebhardt et al.
Serial No.: 29/191,882
Filed: October 15, 2003
Attorney Docket No.: 1-16260

: PETITION DECISION

This is a decision on applicants' Petition under 37 CFR 1.137(b) submitted July 8, 2004, to revive an unintentionally abandoned application.

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John Kittle
Director, Technology Center 3700/2900

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SEP 10 2004

D. EDWARD DOLGORUKOV
MARSHALL & MELHORN, LLC
FOUR SEAGATE, 8TH FLOOR
TOLEDO, OH 43604

In re Application of	:
Joseph P. Gebhardt	:
Serial No.: 29/191,882	: PETITION DECISION
Filed: October 15, 2003	:
Attorney Docket No.: 1-16260	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received July 8, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 30, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by June 30, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 13-1816, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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PHILADELPHIA PA 19103-7013

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OFFICE OF PETITIONS

In re Application of	:	
Goldstein et al.	:	DECISION GRANTING
Application No. 29/191,887	:	PETITION
Filed: 15 October, 2003	:	
Attorney Docket No. 1796-327 US	:	

This is a decision on the petition for corrected filing date, filed on 12 January, 2004, which is treated as a petition under 37 CFR 1.10(c), requesting the above-identified application be accorded a filing date of 15 October, 2003, rather than the presently-accorded filing date of 16 October, 2003.

The petition is **GRANTED**.

Petitioners assert that the above-identified application was filed by Express Mail on 15 October, 2003. In support, on 12 January, 2004, petitioners supplied a copy of Express Mail Label No. EV199928652US (the same Express Mail number found on the itemized Design Application Cover Sheet received with the original application papers. The "date-in" on the Express Mail Label, however, appears as "10/16/03". The Express Mail label also contains an official USPS postmark, however, dated 15 October, 2003.

In view of the above, it is concluded that correct date of deposit in Express Mail was 15 October, 2003, not 16 October, 2003.

The petition is granted. The petition fee of $130.00 filed with the present petition is unnecessary and will be credited to counsel's deposit account, No. 50-1017.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to 15 October, 2003, and for issuance of a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

Douglas I. Wood
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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/191,887	10/15/2003	2912	340	1796-327 US	4	1	1

CONFIRMATION NO. 6449

CORRECTED FILING RECEIPT

OC000000012193021

000570
AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

Date Mailed: 03/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Joel M. Goldstein, Lower Gwynedd, PA;
Kenneth Graver, Perkasie, PA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/31/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Dispenser for particulate material

Preliminary Class

D09

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No.

PRICE HENEVELD COOPER
DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

COPY MAILED

SEP 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Bernhard Rolfes :
Application No. 29/191,889 :
Filed: October 14, 2003 : ON PETITION
For: EXERCISE APPARATUS :

This is a decision on the Petition For Review of Notification Under 37 CFR § 1.53(e), filed July 26, 2004, requesting the application be accorded filing date of October 14, 2003, including one page of specification including a claim.

The petition is **granted**.

The application was filed on October 14, 2003. However, on June 17, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application, noting that a filing date had NOT been accorded the application because the specification was missing, and the specification did not include a claim.

In response, Petitioner files the instant petition wherein Petitioner avers that the specification including a claim was among the application papers originally filed with the application on October 14, 2003, and was received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, Design Patent Application (1 page), on October 14, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 1 page of Design Patent Application on October 14, 2003. Petitioner has also re-submitted 1 page of Design Application, which includes a claim, with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of 1 page of Design Application, which includes a claim, supplied with the instant petition on July 26, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 16-2463 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a Design application with a filing date of October 14, 2003, and an indication that one page of specification, including a claim, was present among the application papers filed on October 14, 2003, using the one (1) page of specification filed on July 26, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/192,000	10/16/2003	2913	340	04176/0200077-US0	2	1	1

CONFIRMATION NO. 2524

CORRECTED FILING RECEIPT

OC000000012257994

07278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 04/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Osamu Ogawa, Osaka, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/19/2003

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

MOBILE PHONE

Preliminary Class

D14

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : AUGUST 13, 2007

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/192,029 Patent No.: D503822 S

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within **7** days, please complete and forward the response, to the employee (named below) via scanning into application images, using document code **COCX**.

DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within **7** days, to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

CATHRON C. BROOKS
SUPERVISORY PATENT EXAMINER

SPE 2911 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-25-05

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D 491 598

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes do not apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

The drawings filed Feb. 15, 2005 are better quality and have been approved

IAN SIMMONS
~~SUPERVISORY PATENT EXAMINER~~

SPE

2916
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Off

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Commissioner for Patents
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JJGJR.: 03-06

Paper No:__

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

COPY MAILED

MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Mogensen, et al. :
Application No. 29/192,038 :
Filing Date: 15 October, 2003 :
Attorney Docket No.: 8465/39 :

DECISION

This is a revised decision on the petition filed on 13 February, 2006, requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.181 is **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.181."

(If Petitioner is unable to present even a satisfactory showing to support a petition under 37 C.F.R. §1.137(a), and Petitioner's only alternative will be to file a petition under 37 C.F.R. §1.137(b).)

(2) Thereafter, there will be no further reconsideration of this matter.[1]

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Restriction requirement mailed on 16 May, 2005, with reply due absent an extension of time on or before 16 June, 2005;
- the application went abandoned after midnight 16 June, 2005;
- the Office mailed the Notice of Abandonment on 24 January, 2006;
- on 13 February, 2006, Petitioner filed a the instant petition with no documentary evidence in support of her petition.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for

---

[1] For more than a century, punctuality and due diligence, equally with good faith, have been deemed essential requisites to the success of those who seek to obtain the special privileges of the patent law, and they are demanded in the interest of the public and for the protection of rival inventors. See: Porter v. Louden, 7 App.D.C. 64 (C.A.D.C. 1895), citing Wollensak v. Sargent, 151 U.S. 221, 228, 38 L. Ed. 137, 14 S. Ct. 291 (1894). An invention benefits no one unless it is made public, and the rule of diligence should be so applied as to encourage reasonable promptness.in conferring this benefit upon the public. Automatic Electric Co. v. Dyson, 52 App. D.C. 82; 281 F. 586 (C.A.D.C. 1922). Generally, 35 U.S.C. §6; 37 C.F.R.§§1.181, 182, 183.

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[8]

The commentary at MPEP §711.03(c) provides:

* * *

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a

---

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), * (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP § 512. As stated in 37 C.F.R §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a

> previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.
>
> * * *

Thus, Petitioner appears not to have satisfied the showing requirements described above.

CONCLUSION

Because Petitioner has not satisfied the burdens set forth in Delgar v. Schulyer, the petition as considered under 37 C.F.R. §1.181 hereby is **dismissed**.

ALTERNATIVE VENUE

Petitioner's only alternative to irretrievable abandonment may be petition alleging unavoidable delay under 37 C.F.R. §1.137(a) or unintentional delay under 37 C.F.R. §1.137(b).[9]

Petitioner may wish to file such a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply (the amendment), the petition fee, and 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." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:[10]

---

[9] The regulations at 37 C.F.R. §1.183 sets forth that waiver of the rules is "subject to such other requirements as may be imposed."

[10] On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. The old FAX number no longer is in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

By mail: Commissioner for Patents[11]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Encl. 16 May, 2005, Office action
Form: Petition under 37 C.F.R. §1.137(b)

[11] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

PTO/SB/61 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: Art Unit:

Application Number: Examiner:

Filed:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United Sates Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:
(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____ .

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____ .

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and 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(a) was unavoidable, is enclosed.

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosure ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

PTO/SB/61 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature	Date
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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

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.
29/192,038	10/15/2003	Lasse Wesseltoft Mogensen	8465/39	2520

7590 05/16/2005

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
SIMMONS, IAN	
ART UNIT	**PAPER NUMBER**
2914	

DATE MAILED: 05/16/2005

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

Office Action Summary	Application No.	Applicant(s)	
	29/192,038	MOGENSEN ET AL.	
	Examiner	Art Unit	
	Ian Simmons	2914	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 1/20&2/9/2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This application discloses the following embodiments:

Embodiment 1 - Fig. 1.a through 1.f

Embodiment 2 - Figs. 2.a through 2.f

Embodiment 3 - Figs. 3.a through 3.f

Embodiment 4 - Figs. 4.a through 4.f

Multiple embodiments of a single inventive concept may be included in the same design application only if they are patentably indistinct. See *In re Rubinfield*, 270 F.2d 391, 123 USPQ 210 (CCPA 1959). Embodiments that are patentably distinct from one another do not constitute a single inventive concept and thus may not be included in the same design application. See *In re Platner*, 155 USPQ 222 (Comm'r Pat. 1967). It is the examiner's position that the change in overall configuration of the Medical Insertion Device, and create a patentably distinct designs.

2. The above embodiments divide into the following patentably distinct groups of designs:

Group 1: Embodiment 1

Group 2: Embodiments 2 and 3

Group 3: Embodiment 4

Restriction is required under 35 U.S.C. 121 to one of the patentably distinct groups of designs.

3. A reply to this requirement must include an election of a single group for prosecution on the merits, even if this requirement is traversed. Any reply that does not include election of a single group will be held non-responsive. **Applicants are also requested to direct cancellation of all drawing figures and the corresponding descriptions, which are directed to nonelected groups.**

4. Should applicants traverse this requirement on the grounds that the embodiments comprise a single inventive concept or are not patentably distinct, applicants should present evidence or identify such evidence now of record showing the embodiments to be obvious variations of one another.

5. In addition, applicant should be aware that regardless of the fact that these embodiments may be searched in the same art area, there is not a single inventive concept involved here. The shape and or configuration of the above embodiments are distinct enough to sustain separate patents if deemed allowable of the art, given that the standard for utility applications do not apply in design applications.

For guidance applicants should referred to the specific Design section 1500 of the MPEP, which sets forth the legal support for a restriction requirement in design applications. MPEP '1504.05

6. If the embodiments are determined not to be patentably distinct and are accordingly retained in the same application, any rejection of one embodiment over prior art will apply equally to all other embodiments. See *Ex parte Appeal No.* 315-40, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the embodiments will be considered once the embodiments have been determined to comprise a single inventive concept.

7. A shortened statutory period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter is set for applicant to elect a single embodiment for prosecution on the merits.

8. Also, applicants should be aware that upon election of a single group for prosecution on the merits is made a rejection under 35 U.S.C. 112 second paragraph will be presented in the next office action, since the title of the design is so ambiguous that it is almost impossible for the Examiner to make a proper and complete examination of the claim.

Acknowledgement is made of the submitted Information Disclosure Statements of January 20, 2004 and February 9, 2004. However, it is still not clear exactly what is the claimed design invention exact nature and intended use, which is necessary for the Examiner to make a complete examination of the claim.

9. Therefore and to avoid the presentation of a rejection under 35 U.S.C. 112 second paragraph, applicants may provide a sufficient explanation of the nature and intended use of the article in which the claimed design is embodied or applied, so that a proper classification and reliable search can be made. See 37 CFR 1.154(a)(3); MPEP 1503.01.

Any additional information, if available, regarding analogous fields of search, pertinent prior art, advertising brochures and the filing of copending utility applications would also prove helpful. If a utility application has been filed, please furnish its application number.

10. This information should be submitted in the form of a separate paper, and should not be inserted in the specification (37 CFR 1.56). See also 37 CFR 1.97, 1.98 and 1.99.

11. Any inquiry concerning the content of this communication or earlier communications may be directed to Ian Simmons at is (571) 272-2658. The examiner can normally be reached Monday through Friday from 9:00 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis Zarfas, can be reached at (571) 272-2660. The *official* fax phone number for the Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ian H. Simmons
Primary Examiner
Group 2900

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JJGJR.: 04-06

Paper No:__

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

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APR 17 2006

OFFICE OF PETITIONS

In re Application of :
Mogensen, et al. : DECISION
Application No. 29/192,038 :
Filing Date: 15 October, 2003 :
Attorney Docket No.: 8465/39 :

This is a revised decision on the petition filed on 27 March, 2006, requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181.

For the reasons set forth below, the petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Restriction requirement mailed on 16 May, 2005, with reply due absent an extension of time on or before 16 June, 2005;
- the application went abandoned after midnight 16 June, 2005;
- the Office mailed the Notice of Abandonment on 24 January, 2006;
- on 13 February, 2006, Petitioner filed a the original petition with no documentary evidence in support of her petition, and for that reason it was dismissed on 8 March, 2006;

- with the instant petition, Petitioner has submitted a date-stamped ("jun 20 2005") receipt card (see: MPEP §503,[1] evidencing Office receipt of a reply in the form of an Election, along with a copy of that reply.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this

---

[1] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[8]

The commentary at MPEP §711.03(c) provides:

* * *

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth

---

[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

[8] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), * (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. §1.8(b) and MPEP § 512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

> 37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP § 512.
>
> * * *

Petitioner appears to have satisfied the showing requirements described above.

CONCLUSION

Because it appears that Petitioner has satisfied the burdens set forth in Delgar v. Schulyer, the petition as considered under 37 C.F.R. §1.181 hereby is **granted**, the 24 January, 2006, Notice of Abandonment is **vacated**; fees are waived, and none were charged..

The instant application is released to Technology Center 2900 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JAN 28 2004

Sanchelima and Associates, P. A.
Jesus Sanchelima, Esq.
235 S.W. Le Jeune Rd.
Miami FL 33134

In re Application of
Rigoberto Castellanos
Serial No.: 29/192,070
Filed: October 20, 2003
For: Track

DECISION ON PETITION

This is in response to applicants' petition filed October 8, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06-17-06

TO SPE OF : ART UNIT ~~2911~~ 2918

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/192128** Patent No.: **D520631**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: See NOA 2/15/06

~~IAN SIMMONS~~
SUPERVISORY PATENT EXAMINER
SPE

2916
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/21/06

TO SPE OF : ART UNIT **2911**

SUBJECT : Request for Certificate of Correction on Patent No.: 29/192153 D514478

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Angela Green
Certificates of Correction Branch
Tel. No. 703-305-9380 ext. 123

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:
Should be entered.

OK MJ

Marcus Jackson

SPE

2916
Art Unit

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8/15/05

ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92009

In re Application of
Wallace Cheung
Serial No.: 29/192,177
Filed: October 20, 2003
Attorney Docket No.:

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.137(a), which is being treated as a Petition under 37 CFR 1.181, filed July 7, 2005, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to respond to the Notice to File Missing Parts mailed December 10, 2003, January 9, 2004, February 9, 2004, and March 3, 2004. As no response was received by May 3, 2004, a Notice of Abandonment was mailed June 7, 2005. This petition followed.

Applicant has stated that the Notices to File Missing were never received, as they were mailed to the incorrect address. It appears that an error on behalf of the Patent Office was responsible for the error; therefore, the case will be returned to pending status, and the Notice will be remailed.

The application will be forwarded for remailing of the Notice to File Missing Parts in due course.

As there are no fees associated with Petitions granted under 37 CFR 1.181, the Petition fee of $250.00 will be refunded to applicant by Treasury Check.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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701 E. Joppa Road, TW-199
Towson MD 21286

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APR 0 8 2004

OFFICE OF PETITIONS

In re Application of
Wright, et al.
Application No. 29/192,203
Filed: October 21, 2003
Attorney Docket No. TN-3582A
For: SAW

DECISION ON
PETITION

This is a decision on the petition, filed December 22, 2003 (certificate of mailing date December 19, 2003), requesting, in effect, withdrawal of the December 15, 2003 Notice of Omitted Item(s) in a Nonprovisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

The application was filed on October 21, 2003. On December 15, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 9, 9A-9B, 10-A-10B, 11, 11A-11B, 12, 12A-12B, 13, 14, 15, 15A-15B, 16, 16A-16B, 17, 18, 18A-18B, 19, 19A-19B, 20, 20A-20B, 21, 22, 23, 23A-23B, 24, 24A-24B, 25, 26, 26A-26B, 27, 27A-27B, 28, 28A-28B, 29, 30, 31, 31A-31B, 32, 32A-32B, 33, 33A-33B, 34, 34A-34B, 35, 35A-35B, 36, 37, 38, 38A-38B, 39, 39A-39B, 40, 40A-40B, 41, 41A-41B, 42, 42A-42B, 43, 44,45, 45A-45B, 46, 46A-46B, 47, 48, 48A-48B, 49, 49A-49B, 50, 50A-50B, 51, 52, 53, and 53A-53B appeared to have been omitted. It is noted that the specification references the allegedly omitted figures.

Petitioners request an October 21, 2003 filing date for omitted figures on the basis that the allegedly omitted figures were indeed received in the Patent and Trademark Office (PTO) on October 21, 2003.

In support, the petition is accompanied by a copy of applicants' postcard receipt showing an Office of Initial Patent Examination generated barcode showing October 21, 2003 as the date of receipt. The itemized postcard states that 14 sheets of formal drawings and a "previously filed application" were included in the filing.

A properly itemized return postcard constitutes *prima facie* evidence that the items listed were filed on the date stamped thereon. However, a postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. MPEP 503. The itemized postcard in this case was not properly itemized. The initial reviewers compare/contrast the application papers before them to the postcard receipt. The postcard receipt in this case did

not identify the contents of the "previously filed application." Therefore, the postcard receipt cannot be relied upon to prove the contents of the "previously filed application" included the omitted figures.

Since the omitted figures cannot be proved to be part of the papers filed on October 21, 2003, the petition is **dismissed** and the copy of the omitted figures filed with the present petition will not be processed.

However, it is noted that petitioners incorporated application no. 29/170,049 by reference in the Design Patent Application Transmittal. Additional drawing figures may be entered by the primary examiner without a petition so long as the pages contain no new matter. See MPEP § 608.02(a).

MPEP 201.06(c) states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. (emphasis supplied)

If applicants desire that the omitted figures be added to the application, the appropriate procedure is by way of amendment requesting the entry of the figures. Any such amendment should be filed prior to the first action on the merits and will be considered by the primary examiner.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the Office and the December 15, 2003 Notice was not mailed in error.

The application will be forwarded to Technology Center 2900 for examination in due course. Petitioners are encouraged to file an amendment requesting entry of the omitted figures as soon as possible.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MARTIN & HENSON, P.C.
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD CO 80226

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AUG 1 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Wyers, Philip W.	:	
Application No. 29/192,232	:	ON PETITION
Filed: October 20, 2003	:	
Attorney Docket No. 2216	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 16, 2007, to revive the above-identified application. The petition will however be treated under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED.**

The above-identified application was held abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). The Notice of Appeal was received November 28, 2006. A reply was due on or before January 28, 2007. A Notice of Abandonment was mailed on June 29, 2007.

A review of the application file discloses that an Appeal Brief and a five-month extension of time were submitted on June 29, 2007 (Certificate of Mailing date of June 27, 2007). The response, with the extension of time, was timely filed.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the $750.00 petition fee will be credited to petitioner's deposit account as authorized.

This application is being returned to Technology Center AU 2912 for further examination on the merits.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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TIMOTHY J. MARTIN, P.C.
9250 W 5TH AVENUE, SUITE 200
LAKEWOOD, CO 80226

MAR 25 2005

In re Application of
Phillip W. Wyers
Serial No.: 29/192,233
Filed: October 20, 2003
Attorney Docket No.: 2113

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received January 24, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 21, 2004, which set a three-month statutory period to submit the Issue Fee. The Issue fee was received August 26, 2004; however, as the response was not received by July 21, 2004, a Notice of Abandonment was mailed to applicant September 24, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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JOHN E. WAGNER, ESQ.
LAW OFFICES OF JOHN E. WAGNER
3541 OCEAN VIEW BOULEVARD
GLENDALE CA 91208

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OFFICE OF PETITIONS

In re Application of :
Carmen Rapisarda :
Application No. 29/192,241 :
Filed: October 20, 2003 :
Attorney Docket No. 01-7342-22 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(4).

A terminal disclaimer and fee is required for design applications in accordance with 37 CFR 1.137(d).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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JUN 0 6 2008

JOHN E. WAGNER, ESQ.
LAW OFFICES OF JOHN E. WAGNER
3541 OCEAN VIEW BOULEVARD
GLENDALE CA 91208

In re Application of :
Carmen Rapisarda :
Application No. 29/192,241 : ON PETITION
Filed: October 20, 2003 :
Attorney Docket No. 01-7342-22 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance/Notice of Allowability mailed September 7, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (4).

The terminal disclaimer submitted on September 14, 2007, is not signed by an attorney of record in the above application as required.

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

The centralized facsimile number is **(571) 273-8300.**

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

Karen Creasy
Petitions Examiner
Office of Petitions

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WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BLVD
GLENDALE, CA 91208

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AUG 19 2008

In re Application of	:	
Carmen Rapisarda	:	
Application No. 29/192,241	:	DECISION GRANTING PETITION
Filed: October 20, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 01-7342-22	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 17, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee, drawings and terminal disclaimer/fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance and Notice of Allowability mailed September 7, 2006, is accepted as having been unintentionally delayed.

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

This matter is being referred to the Office of Data Management to be processed into a patent and for review of the drawings received on March 27, 2007.

Karen Creasy
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/192,241	10/20/2003	Carmen Rapisarda	01-7342-22

CONFIRMATION NO. 4462

35037
WAGNER, ANDERSON & BRIGHT, LLP
3541 OCEAN VIEW BLVD
GLENDALE, CA 91208

POA ACCEPTANCE LETTER

OC000000031646788

Date Mailed: 08/19/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/17/2008.

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

/kocreasy/

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

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ARCHER & GREINER, P.C.
ONE CENTENNIAL SQUARE
HADDONFIELD, NH 08033

6/24/05

In re Application of
Joseph S. Manzo
Serial No.: 29/192,243
Filed: October 21, 2003
Attorney Docket No.: BRA138.10004

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received April 11, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Office action mailed August 25, 2004, which set a one-month shortened statutory period to respond. As no response was received by September 27, 2004, a Notice of Abandonment was mailed March 28, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to an Examiner for examination of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE, SUITE 2300
DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of	:	
Juan Antonio Ertze Encinas et al	:	
Application No. 29/192,253	:	ON PETITION
Filed: October 20, 2003	:	
Attorney Docket No. 67203177.001200	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 17, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 6, 2006, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 7, 2006.

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

This matter is being referred to Technology Center AU 2911 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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ARCHER & GREINER, P.C.
ONE CENTENNIAL SQUARE
HADDONFIELD, NH 08033

6/24/05

In re Application of
Joseph S. Manzo
Serial No.: 29/192,270
Filed: October 21, 2003
Attorney Docket No.: BRA138.10003

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received April 11, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Office action mailed August 25, 2004, which set a one-month shortened statutory period to respond. As no response was received by September 27, 2004, a Notice of Abandonment was mailed March 28, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to the Examiner for examination of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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CANCELLED
FEB 08 2005

Joseph G. Swan
Mitchell Silberberg & Knupp LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064

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OFFICE OF PETITIONS

In re Patent No. D494296 :
Issued: August 10, 2004 : ON PETITION
Application No. 29/192,309 :
Filing Date: October 21, 2003 :
Attorney Docket No. 36797-21 :

This is a decision on the petition under 37 CFR 1.28(c), filed December 2, 2004.

The petition is **GRANTED.**

The record reflects that the filing fee, issue fee, and surcharge for the late filing of the declaration for the above-cited patent application and patent were paid at the small entity rate. The amount paid was $170.00 for the filing fee and $240.00 for the issue fee and $65.00 for the surcharge. Petitioner later discovered that the patentee did not qualify as a small entity and filed the instant petition, accordingly.

The Office is in receipt of the resulting outstanding amounts totalling $495.00.

Pursuant to 37 CFR 1.28(d), the payment of the deficient amount will be treated under 37 CFR 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

The application file will be sent to the Files Repository.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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MAR 0 1 2004

Hinkle & O'Bradovich, LLC
395 Scenic Highway
Lawrenceville GA 30045

In re Application of	:	
Lawrence W. Weidmann	:	
Serial No.: 29/192,310	:	DECISION ON
Filed: October 22, 2004	:	PETITON TO MAKE SPECIAL
For: Water Quality Outlet Filter"	:	

This is in response to applicants' petition filed January 2, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-22-05

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D499122

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Check Drawings
Thank You For Your Assistance

Ennis Young
Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☒ **Denied** — State the reasons for denial below.

Comments:

Applicant's claim contains new matter: Fig 3 - The height and shape of cover; Figs 4-6 - overall shape of the cover and the number of dots is too few; Figs. 9 and 10 - too few dots

STELLA M. REID
SUPERVISORY PATENT EXAMINER — 2912

SPE — **Art Unit**

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005

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JUL 16 2004

OFFICE OF PETITIONS

In re Application of	:	
Mark Simon Bayly and Priscilla	:	
Berry	:	DECISION REFUSING
Application No. 29/192,324	:	STATUS UNDER § 1.47(a)
Filing Date: October 17, 2003	:	
Attorney Docket No. 08505.0019-00000	:	

This is in response to the "PETITION IN SUPPORT OF DECLARATION UNDER 37 C.F.R. §1.147(a)," filed May 6, 2004, which is being treated as a petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 17, 2003, without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on January 6, 2004. This Notice set an extendable period for reply

of two months. On May 6, 2004, applicants filed the instant petition, made timely by obtaining a two month extension of time.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy requirements (1).

As to requirement (1), there has been no showing that Priscilla Berry was presented with the application papers (specification, claims, drawings, oath or declaration). Rather, the petition only establishes that Berry was forwarded "correspondence, including a Taxation Group Certificate". Regarding this, the Manual of Patent Examining Procedure states:

> 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 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 U.S.P.Q. 80 Comm'r Pat. 1956).

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.[1] If the inventor can not be located, a detailed statement of the steps taken to locate the inventor must be presented.

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

---

[1] MPEP 409.03(d).

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

By FAX: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005

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OCT 2 1 2004

OFFICE OF PETITIONS

In re Application of Mark Simon Bayly and Priscilla Berry Application No. 29/192,324 Filing Date: October 17, 2003 Attorney Docket No. 08505.0019-00000	:	DECISION ACCORDING STATUS UNDER § 1.47(a)

This is in response to the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.147(a)," filed September 16, 2004.

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

The above-identified application was filed on October 17, 2003, without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed on January 6, 2004. This Notice set an extendable period for reply of two months. On May 6, 2004, applicants filed a petition under 37 CFR 1.47(a), made timely by obtaining a two month extension of time. However, the petition was dismissed in a decision mailed on July 16, 2004, because Rule 47 applicant did not establish that the non-signing inventor had been presented with a copy of the application papers.

In view thereof, Rule 47 applicant has satisfied the requirements of 37 CFR 1.47(a). Rule 47 applicant previously submitted a declaration in compliance with 37 CFR 1.63 and. Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status.

Pursuant to 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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APR 27 2004

WHYTE HIRSCHBOECK DUDEK S C
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

In re Application of :
John E. Tadych et al :
Serial No.: 29/192,361 :
Filed: October 23, 2003 :
For: Cigar and Lighter Holder :

DECISION ON PETITION

This is in response to applicants' petition filed April 19, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/192,383	10/23/2003	2913	470	10113061	8	1	1

CONFIRMATION NO. 7737

34283
QUINTERO LAW OFFICE
1617 BROADWAY, 3RD FLOOR
SANTA MONICA, CA 90404

CORRECTED FILING RECEIPT

OC000000012356086

Date Mailed: 04/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Chang-Jung Chen, Taipei, TAIWAN;
Chun-Hsiung Yin, Tainan, TAIWAN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/02/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

TV tuner box

Preliminary Class

D14

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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5/6/05

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

In re Application of
Kiosky Chung :
Serial No.: 29/192,395 :
Filed: October 24, 2003 : PETITION DECISION
Attorney Docket No.: 14833 B :

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 16, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Office action mailed June 22, 2004, which set a three month statutory period of time to pay the issue fee. As no response was received by September 22, 2004, a Notice of Abandonment was mailed November 2, 2004; this petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicant's petition lacks the terminal disclaimer and fee (4), which must be filed with petitions for design applications.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Applicant's petition is **DISMISSED.**

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

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FEB 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Kiosky Chung :
Application No. 29/192,395 : ON PETITION
Filed: October 24, 2003 :
Attorney Docket No. MR3015-53 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 27, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed June 22, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 23, 2004.

Receipt is acknowledged of the Terminal Disclaimer filed May 27, 2005, with the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being referred to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

APR 18 2005

In re Application of
Kiosky Chung :
Serial No.: 29/192,407 :
Filed: October 24, 2003 : PETITION DECISION
Attorney Docket No.: 14820 B :
:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received February 18, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 17, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by September 17, 2004, a Notice of Abandonment was mailed to applicant November 2, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. A terminal disclaimer was submitted by facsimile on March 2, 2005.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $65.00 will be charged to Applicant's Deposit Account 02-1435, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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RALPH W. CURTIS-BEY
970 KENT AVENUE #211
BROOKLYN NY 11205

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MAY 0 6 2008

OFFICE OF PETITIONS

In re Application of :
Ralph W. Curtis-Bey :
Application No. 29/192,426 : ON PETITION
Filed: August 11, 2004 :
Attorney Docket No. None :

This is a decision in response to the petition under 37 CFR 1.137(b), filed December 12, 2007, to revive the above-identified application.

The petition is dismissed because it lacks the required petition fee pursuant to 37 CFR 1.17(m).

Effective September 30, 2007, the small entity fee for a petition to revive an unintentionally abandoned application was increased to $770. Petitioner submitted a partial petition fee payment $750. There is no authorization found in the papers filed December 12, 2007to charge any fee deficiency. Since any fee paid on or after September 30, 2007, must be paid at the revised amount, petitioner must now submit the petition fee deficiency of $20.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include the $50 petition fee deficiency and a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

The centralized facsimile number is **(571) 273-8300**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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

RALPH W. CURTIS-BEY
970 Kent Avenue #211
BROOKLYN, NY 11205

COPY MAILED

AUG 05 2008

In re Application of :
Ralph Wesley Curtis-Bey :
Application No. 29/192,426 : ON PETITION
Filed: August 11, 2004 :
Attorney Docket No. None :

This is a decision in response to the communication filed June 4, 2008, which is being treated as a renewed petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition, as construed, is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a Office communication mailed February 20, 2007. A Notice of Abandonment was mailed on September 20, 2007. On December 12, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed May 6, 2008. In response, on June 4, 2008, the present "petition" was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $770; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d).

The terminal disclaimer filed December 12, 2007 is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application is being referred to Technology Center AU 2912 for consideration of the amendment filed December 12, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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JEROME J. NORRIS
1901 PENNSYLVANIA AVE. NW, SUITE 305
WASHINGTON, D.C. 20006

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OCT 0 5 2005

OFFICE OF PETITIONS

In re Application of :
Donna Green-Law :
Application No. 29/192,452 : ON PETITION
Filed: October 27, 2003 :
Attorney Docket No. DGL 01 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the formal drawings in a timely manner in reply to the Notice of Allowance mailed February 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 15, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the formal drawings are accepted as having been unintentionally delayed.

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

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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AUG 31 2004

David J. Hill
Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building, Two Union Square
Chattanooga TN 37402

In re Application of
Bradley Peter Ryan :
Serial No.: 29/192,464 :
Filed: October 27, 2003 : PETITION DECISION
Attorney Docket No.: 1331300-0307 :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted June 30, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 23, 2004, which set a three-month statutory period to pay the issue fee and submit formal drawings. As no response was filed by June 23, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed within one month of abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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LEON I. EDELSON, ESQ
LEVENFELD PEARLSTEIN
P.O. BOX 0212
CHICAGO, IL 60690-0212

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JAN 2 3 2006

OFFICE OF PETITIONS

In re Application of :
Pei-Ying Lin :
Application No. 29/192,495 : ON PETITION
Filed: October 24, 2003 :
Attorney Docket No. 14002 B :

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 9, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on November 9, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being referred to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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J. Reed Batten, Jr.
4703 Exeter St.
Annandale VA 22003

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NOV 27 2006
OFFICE OF PETITIONS

In re Application of :
Robert W. Jones :
Application No. 29/192,533 : DECISION ON PETITION
Filed: 10/27/2003 :
Attorney Docket No. RB6 :

This is a decision on the petition under 37 CFR 1.181, filed on July 10, 2006, to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed December 2, 2005, which set a shortened statutory period for reply of two (2) months. Petitioner obtained an extension of time for response within the first month pursuant to 37 CFR 1.136(a). In the apparent absence of a timely reply, the above-identified application became abandoned on March 3, 2006.

Petitioner asserts that a proper response was filed timely. In support of the petition, petitioner submits a copy of a returned, date-stamped postcard receipt, acknowledging receipt of a Continued Prosecution Application Request, an Information Disclosure Statement with substitute form 1449/PTO, 3 sheets of formal drawings (containing 4 figures), and a 2 page Response in the USPTO on February 28, 2006. Copies of these documents accompany this petition.

The Office has not located the original correspondence. Nevertheless, section 503 of the MPEP states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the response was filed timely in the USPTO on February 28, 2006, but was not matched with the application.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **granted**. No petition fee is required.

This application is revived for purposes of continuity only with the CPA filed February 28, 2006. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced CPA.

This matter is being referred to Technology Center Art Unit 2911.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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8/16/05

ARLENE J. POWERS
GAUTHIER & STEVENS LLP
225 FRANKLIN STREET, SUITE 3300
BOSTON, MA 02110

In re Application of
Peter Gerard Hook
Serial No.: 29/192,564
Filed: October 27, 2003
Attorney Docket No.: 6976(DIV1)

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed June 3, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed November 30, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted February 24, 2005; however, as no formal drawings were received by February 28, 2005, a Notice of Abandonment was mailed May 25, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/10/06

TO SPE OF : ART UNIT ~~2911~~ 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/192571** Patent No.: **D520633**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 173

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: See NOA 2/15/06

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE 2916 **Art Unit**

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

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OFFICE OF PETITIONS

In re Application of	:	
Yoshiro Noguchi	:	
Application No. 29/192,581	:	DECISION ON PETITION
Filed: 27 October, 2003	:	
Atty Docket No. 520514.00008	:	

This is a decision on the petition filed on 19 August, 2005, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 27 October, 2003.[1]

On 27 October, 2003, the application was deposited. The filing including, *inter alia*, one (1) page of specification, five (5) sheets of drawings, a declaration, and the design application filing fee.

On 14 January, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, the application did not include at least one claim in compliance with 35 U.S.C. § 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 U.S.C. § 112.

On 9 August, 2005, a Notice of Termination of Proceedings Under 37 CFR 1.53(e) was mailed, stating that proceedings were terminated because a timely response to the Notice mailed on 14 January, 2004, was not received

On 19 August, 2005, the present petition was filed whereby petitioner argues that a claim was indeed present on 27 October, 2003. Petitioner also asserts that the Notice mailed on 14 January, 2004, was never received. Petitioner requests that the application, as filed, be accorded a filing date of 27 October, 2003.

---

[1] See MPEP 506.

A review of the record reveals that the envelope containing the Notice mailed on 14 January, 2004, was returned as undeliverable on 3 February, 2004. As such, the showing of record is that the Notice was never received by petitioner.

Further, a review of the record reveals that no formal claim was included with the application papers deposited on 27 October, 2003, in that the specification does not state, specifically, what subject matter is claimed. However, it is noted that the application papers deposited on 27 October, 2003, included a declaration stating that the inventor believes himself to be

> "the original, first, and sole inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled: A RADIO REMOTE CONTROL UNIT the specification of which is attached hereto…"

The requirement for a claim in a design application is a requirement of the statute. Section 171 of title 35 of the United States Code makes § 112 applicable to design applications. Section 112 requires that the " specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Thus, the requirement for a claim in a design application is not *pro forma*, but is a necessary part of a complete design application.

A formal claim was not included with the application when it was deposited. However, since this is a design application, the above-quoted language in the declaration can be construed as the claim required by 35 U.S.C. § 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this is a design application, and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153. Under the circumstances, it is appropriate that the language quoted above from the declaration be construed as the claim for purposes of according this application a filing date of 27 October, 2003.

Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

The petition is granted.

While it is acknowledged that petitioner has attempted to present a formal claim with the paper attached to the present petition, such claim must be added by means of a preliminary amendment. Petitioner should file a preliminary amendment including the formal claim.

Accordingly, applicant is given TWO (2) MONTHS from the date of this decision to file an amendment adding a formal claim to the specification filed on 27 October, 2003. **Failure to file the required amendment will result in abandonment of the application.** This time period may be extended pursuant to 37 CFR 1.136(a). The amendment should be directed to Mail Stop Missing Parts.

The application is being referred to the Office of Initial Patent Examination to await receipt of the amendment required above. Upon receipt of the amendment, the application will be further processed with a filing date of 27 October, 2003, using the application papers filed on that date and the formal claim filed in response to this decision.

As the present petition was necessitated by an error on the part of petitioner, a petition fee of $400.00 is necessary and will be charged to counsel's deposit account, No. 17-0055, as authorized in the present petition. Additionally, as the filing fee of as the filing fee, less the $130.00 retention fee, was refunded, the filing fee will be charged by OIPE.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 27 October, 2003, using the application papers filed on that date, and the formal claim filed in response to this decision.

Telephone inquiries concerning this matter may 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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The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001

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APR 22 2004

OFFICE OF PETITIONS

In re Application of :
Billy Joe Ratliff, Jr., Paul Bryan :
Maxwell, Michael Carl Schiavone and: DECISION REFUSING STATUS
Jonathan James Shondel : UNDER 37 CFR 1.47(a)
Application No. 29/192,650 :
Filed: October 28, 2003
For: TIRE TREAD

This is in response to the "Petition Under 37 CFR 1.47(a)," filed January 23, 2004.

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).

The above-identified application was filed on October 28, 2003, without an executed oath or declaration and naming Billy Joe Ratliff, Jr., Paul Bryan Maxwell, Michael Carl Schiavone and Jonathan James Shondel as joint inventors.

Accordingly, on December 24, 2003, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, and a surcharge for its late filing.

In response, on January 23, 2004, the instant petition was filed.

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), as set forth above.

As to item (1), applicant appears to demonstrate that the non-signing inventor was only presented with the declaration. Unless the non-signing inventor was presented with a copy of the application papers (specification, claims and drawings),the non-signing inventor could not attest that he has "reviewed and understands the application papers" and therefore could not sign the declaration which he was given. Accordingly, Rule 47 applicant failed to show or provide proof that the inventor has refused to sign the declaration. See Manual of Patent Examining Procedure, Section 409.03(d). Petitioner should show that a copy of the application papers was presented to the inventor before he refused the request that he sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
2011 South Clark Place
Crystal Plaza Two (left side entrance of building)
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001

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MAY 20 2004

OFFICE OF PETITIONS

In re Application of :
Billy Joe Ratliff, Jr., Paul Bryan :
Maxwell, Michael Carl Schiavone and: DECISION GRANTING PETITION
Jonathan James Shondel : UNDER 37 CFR 1.47(a)
Application No. 29/192,650 :
Filed: October 28, 2003
For: TIRE TREAD

This is in response to the "Request For Reconsideration of Petition Under 37 CFR 1.47(a)," filed May 10, 2004.

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

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Senior Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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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BILLY JOE RATLIFF, JR.
869 SKYLINE DRIVE
CLINTON, OH 44216

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MAY 20 2004

OFFICE OF PETITIONS

In re Application of
Billy Joe Ratliff, Jr., Paul Bryan Maxwell, Michael Carl Schiavone and Jonathan James Shondel
Application No. 29/192,650
Filed: October 28, 2003
For: TIRE TREAD

Dear BILLY JOE RATLIFF, JR.:

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 Petitions Attorney Edward Tannouse at (703) 306-9200. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/192,651	10/28/2003	2913	170	36128	4	1	1

CONFIRMATION NO. 4339

000116
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

CORRECTED FILING RECEIPT

OC000000011785954

Date Mailed: 01/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Geoffrey Sleeper, Bay Village, OH;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Headgear for a respirator mask

Preliminary Class

D24

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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Mr. Billy Joe Ratliff, Jr.
869 Skyside Drive
Clinton, OH 44216

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MAR 29 2004

OFFICE OF PETITIONS

In re Application of:
Ratliff, Jr., et al.
Application No. 29/192,656
Filed: October 28, 2003
Title of Invention: TIRE TREAD

LETTER

Dear Mr. Ratliff, Jr.:

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 (703) 305-0014. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001-1219

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MAR 29 2004

OFFICE OF PETITIONS

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001

In re Application of:	:	
Ratliff, Jr., et al.	:	
Application No. 29/192,656	:	DECISION GRANTING
Filed: October 28, 2003	:	STATUS UNDER
Title of Invention: TIRE TREAD	:	37 CFR 1.47

This Decision is in response to a Petition Under 37 C.F.R. 1.47(a), filed January 23, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Billy Joe Ratliff, Jr., refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

OIPE JC66 JAN 25 2005 PATENT & TRADEMARK OFFICE

01-26-05

PTO/SB/27 (11-03)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION (37 CFR 1.155)

Application Number	29/192,659
Filing Date	October 28, 2003
First Named Inventor	Christopher Larsen
Title	SPA
Atty Docket Number	42526-3100

ADDRESS TO:
MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

This is a request for expedited examination of a design application under 37 CFR 1.155.

NOTE: If the Request made by this form accompanies original application papers, include form PTO/SB/18 "Design Patent Application Transmittal" or its equivalent.

A preexamination search was conducted. The field of search was:
Class D23; Subclass 277, 280.1, 280.4
Class D24; Subclass 204, 205
Class 4; Subclass 541.1, 541.2, 541.3, 541.4, 541.4, 541.6

Approved 2/9/05
Jacqueline M. Stone, Director
Technology Center 1700

Related applications: .....

If not previously filed for the above-identified application, the following items required by 37 CFR 1.155 are enclosed:
Formal drawings (see 37 CFR 1.84).
The fee set forth in 37 CFR 1.17(k).
An information disclosure statement in compliance with 37 CFR 1.98.

January 25, 2005
Date

Signature

949-253-2720
Telephone Number

Albin H. Gess
Typed or printed name

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.155. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Expedited Design, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01/31/2005 AWONDAF1 00000045 192814 29192659
01 FC:1802 900.00 DA

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www.uspto.gov

Paper No. _____

ALBIN H. GESS
SNELL & WILMER LLP
1920 MAIN STREET, SUITE 1200
IRVINE, CA 92614-7230

COPY MAILED

AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of	:	
Christopher Larsen	:	DECISION GRANTING PETITION
Application No. 29/192,673	:	UNDER 37 CFR 1.313(c)(3)
Filed: October 28, 2003	:	
Attorney Docket No. 42526-3217	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed August 24, 2004, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on June 1, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA.

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

This matter is being referred to Technology Center AU 2914 for processing of the CPA and consideration of the IDS filed concurrently with the instant petition.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/192,676	10/28/2003	2913	470	DN2003159	1	1	1

CONFIRMATION NO. 4344

The Goodyear Tire & Rubber Company
Department 823
1144 East Market Street
Akron, OH 44316-0001

UPDATED FILING RECEIPT

OC000000012045973

Date Mailed: 03/09/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Billy Joe Ratliff JR., Clinton, OH;
Michael Carl Schiavone, Akron, OH;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Tire sidewall

Preliminary Class

D12

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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THE GOODYEAR TIRE & RUBBER COMPANY
DEPARTMENT 823
1144 EAST MARKET STREET
AKRON OH 44316-0001

COPY MAILED

MAR 31 2004

OFFICE OF PETITIONS

In re Application of
Billy Joe Ratliff et al.
Application No. 29/192,676
Filed: October 28, 2003
Attorney Docket No. DN2003159

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the petition filed February 6, 2004, under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed October 28, 2003, naming Billy Joe Ratliff and Michael Carl Schiavone but without a signed declaration.[1]

Accordingly, on January 8, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on February 6, 2004, the present petition was filed. A signed declaration was returned by inventor Schiavone but petitioners argue that Mr. Ratliff first refused to sign the declaration because the he did not agree with the inventorship as claimed. Petitioners further argue that a message was left for Mr. Ratliff advising that the issue concerning the inventorship had been resolved and that Mr. Ratliff still has not returned an executed copy of the application papers and thus his actions amount to a refusal to join in the filing of the application.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

The present petition lacks items (1) and (4).

[1] A petition under 37 CFR 1.48 to correct inventorship and a filing date petition were both granted and a corrected filing receipt was mailed March 9, 2004.

In regards to item (1), petitioners have not provided sufficient proof that a copy of the application (specification, including claims, drawings, if any, and the declaration) was sent to the non-signing inventor. The statement made by the Attorney of Record is that a letter was sent to Mr. Ratliff in November of 2003 advising that a decision had been made that the inventorship would be corrected and that at that time, another request for him to sign and return the application documents was made. Petitioners have not shown, however, that the corrected application papers, without the names of the other two inventors, were ever presented to Mr. Ratliff. It has only been shown that 1) the original application papers were sent to Mr. Ratliff and that 2) a letter advising that the inventorship had been corrected.

No copies of any of the referenced correspondences has been provided and neither has proof that a copy of the corrected application papers including specification and drawings (if drawings were required) were sent to the non-signing inventors or their representatives. Thus, there is no evidence to show that joint inventor Billy Joe Ratliff had the benefit of seeing the complete and corrected application.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

As well, with respect to item (4), a statement of the last known address of inventor Billy Joe Ratliff has not been provided as required by 37 CFR 1.47. Petitioners must provide a statement of the last known address of the nonsigning inventors in the petition. That address should be the last known address at which the inventors customarily receive mail. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

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

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

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE GOODYEAR TIRE & RUBBER COMPANY
DEPARTMENT 823
1144 EAST MARKET STREET
AKRON OH 44316-0001

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APR 3 0 2004

OFFICE OF PETITIONS

In re Application of
Billy Joe Ratliff et al.
Application No. 29/192,676
Filed: October 28, 2003
Attorney Docket No. DN2003159

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration, filed April 23, 2004.

The petition is **GRANTED**.

The above-identified application was filed on October 28, 2003, naming Billy Joe Ratliff and Michael Carl Schiavone but without a signed declaration.[1] In response to a Notice to File Missing Parts mailed January 8, 2004, the applicant filed a petition February 6, 2004, under 37 CFR 1.147(a), alleging that joint inventor Billy Joe Ratliff refused to sign the oath/declaration. Status under 37 CFR 1.47(a) was denied and the petition dismissed in a decision mailed March 31, 2004 because it was not clear that the non-signing inventor had been afforded an opportunity to review the application after the proper inventorship had been determined.

Comes now petitioner with a request for reconsideration and again seeking status under 37 CFR 1.47(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.

In the request for reconsideration, the Attorney of Record, Nancy Krawczyk, indicates that Mr. Ratliff has been advised both verbally and in writing that the inventorship had been corrected to exclude two individuals previously reported as having been inventors. Ms. Krawczyk certifies that the actual application papers mailed to Mr. Krawczyk on October 28, 2003 at the last known address have not changed with the correction of inventorship.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47©), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

---

[1] A petition under 37 CFR 1.48 to correct inventorship and a filing date petition were both granted and a corrected filing receipt was mailed March 9, 2004.

The application is being forwarded to Technology Center 2913 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GOTTLIEB RACKMAN & REISMAN, P.C.
270 MADISON AVENUE, 8TH FLOOR
NEW YORK, NY 10016

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NOV 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Tiandong Jia et al :
Application No. 29/192,684 : NOTICE
Filed: October 27, 2003 :
Attorney Docket No. 4316/042

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
Office of the Deputy Commissioner
for Patent Examination Policy

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

Gottlieb Rackman & Reisman, PC
270 Madison Avenue
8th Floor
New York, NY 10016-0601

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OFFICE OF PETITIONS

In re Application of: Tiandong Jia, et. al.
Application No. 29/192,685
Filed: October 27, 2003
Attorney Docket No. 4316/053

NOTICE

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

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

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

This application is being referred to the Office of Publications for further processing into a patent.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield CT 06002

FEB 12 2005

In re Application of
Simon Raab
Serial No.: 29/192,692
Filed: October 28, 2003
Attorney Docket No.: FAO-0130-D

: PETITION DECISION

This is in response to applicant's Petition under 37 CFR 1.181, received November 26, 2004, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed June 17, 2004, setting a three month statutory period to pay the Issue fee. As no response was received by September 17, 2004, a Notice of Abandonment was mailed on November 2, 2004.

Applicant has submitted a copy of the docket records, check, and response, which included a Certificate of Mailing date of September 15, 2004. Therefore, as the response was timely filed, the Office in error abandoned the application.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications to be printed as a patent in due course.

The $240.00 Issue fee and $15.00 for copies will be charge to applicant's Deposit Account 06-1130, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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SEP 13 2004

OFFICE OF PETITIONS

In re Application of :
James E. Pangerc et al. :
Application No. 29/192,701 : DECISION REFUSING STATUS
Filed: October 28, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 0275Y-743CPA :

This decision is in response to the petition filed August 2, 2004, under 37 CFR 1.47(a), in response to the Notice to File Missing Parts "Notice" mailed January 2, 2004.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 28, 2004, naming James E. Pangerc, Robert P. Welsh, William Bredlow and Carlo Massobrio but without a signed declaration. Accordingly, on January 2, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on August 2, 2004, the present petition was filed with a request for a five month extension and the oath and declaration signed only by inventors Pangerc, Welsh and Massobrio. Petitioners seek status under 37 CFR 1.47(a) based on the fact that efforts to have inventor Bredlow execute the declaration have been unsuccessful. Petitioners have shown that correspondences mailed to the non-signing inventor have been received and that phone messages and email attempts to have him sign the declaration have still not resulted in his compliance with the request.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

The present petition lacks item (1).

In regards to item (1), petitioners have not provided sufficient proof that a copy of the application (specification, including claims, drawings, if any, and the declaration) was sent to the non-signing inventor. The evidence instead points to a conclusion that the "declaration" was sent to Mr. Bredlow but the evidence does not reveal that the complete application was sent. Thus, there is no evidence to show that William Bredlow had the benefit of seeing the application.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

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

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

By FAX: (703) 872-9306
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.[1]

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] Effective September 27, 2004, the phone number will be 571-272-3212.

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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DEC 15 2004

OFFICE OF PETITIONS

In re Application of
James E. Pangerc et al.
Application No. 29/192,701
Filed: October 28, 2003
Attorney Docket No. 0275Y-743CPA

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the renewed petition filed under 37 CFR 1.47(a) on October 20, 2004.

The petition is **GRANTED**.

The above-identified application was filed on October 28, 2003, naming James E. Pangerc, Robert P. Welsh, William Bredlow and Carlo Massobrio but without a signed declaration. Accordingly, on January 2, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, on August 2, 2004, a petition was filed with a request for a five month extension and the oath and declaration signed only by inventors Pangerc, Welsh and Massobrio. Petitioners sought status under 37 CFR 1.47(a) based on the fact that efforts to have inventor Bredlow execute the declaration had been unsuccessful. The petition was dismissed in a decision mailed September 13, 2004 because while it was shown that correspondences mailed to the non-signing inventor had been received and that phone messages and email attempts to have him sign the declaration had still not resulted in his compliance with the request, the petition was not substantiated with proof that the complete application had been forwarded to non-signing inventor Bredlow.

In response to the decision dismissing the petition filed September 13, 2003, Mary Niziolek, legal assistant to in-house patent counsel for the assignee, states that she personally sent a complete application packet to Mr. Bredlow and that no reply was received.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM BREDLOW
210 BUCKET POST COURT
BEL AIR, MD 21014

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DEC 15 2004

OFFICE OF PETITIONS

In re Application of
James E. Pangerc et al.
Application No. 29/192,701
Filed: October 28, 2003
For: TOOL BIT CONTAINER

Dear Mr. Bredlow:

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 Petitions Attorney at (571) 272-3212. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

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

JJGJR.: 04-06

Paper No: __

JONATHAN A. BAY
ATTORNEY AT LAW
SUITE 314
333 PARK CENTRAL EAST
SPRINGFIELD MO 65806

COPY MAILED

APR 17 2006

OFFICE OF PETITIONS

In re Application of :
Witt :
Application No. 29/192,706 : DECISION
Filing Date: 28 October, 2003 :
Attorney Docket No.: 611-1 :

This is a decision on the petition filed on 30 March, 2006, alleging unintentional delay under 37 C.F.R. §1.137(b).

NOTES: (1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(b)[1] (as to unintentional delay) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)."

[1] Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §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 pursuant to 37 C.F.R. §1.137(b) 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 set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

(2) Thereafter, there will be no further reconsideration of this matter.

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **DISMISSED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the drawings requirement accompanying the Notice of Allowance and Fees Due and Notice of Allowability mailed on 18 October, 2005, with reply due absent extension of time on or before 18 January, 2006;
- the instant application went abandoned after midnight 18 January, 2006;
- the Office mailed a Notice of Abandonment on 20 March, 2006;
- on 30 March, 2006, Petitioner filed the instant application (with fee), drawings the reply, and made a statement as to delay–however, Petitioner's statement failed to comply with the regulatory requirement (see: 37 C.F.R. §1.137(b) and the form petition enclosed herewith), and further Petitioner failed to submit the terminal disclaimer and fee required under the regulation.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for

---

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

the reply now to be accepted on petition.[3]

Delays in responding properly raise the question whether delays are unavoidable.[4] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[5] And the Petitioner must be diligent in attending to the matter.[6] Failure to do so does not constitute the care required under Pratt,[7] and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[8]))

As to the Allegation
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee if the application was filed before 8 June, 1995.

Petitioner has failed to comply with the terminal disclaimer (and fee) and the statement requirements of the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **dismissed**.

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[3] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[4] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[5] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[6] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[7] The test of diligence in the prosecution of an application before the Commissioner is, in the context of ordinary human affairs, the test is such care as is generally used and observed by prudent and careful persons in relation to their most important business. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r. Pat. 1913).

[8] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Further correspondence with respect to this matter should be addressed as follows:[9]

By mail: Commissioner for Patents[10]
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Encl: Form: Petition under 37 C.F.R. §1.137(b)
Form: Terminal Disclaimer
Form: 37 C.F.R. §3.73(b) Statement

[9] On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. Faxes sent to the old number no longer are routed to the new number. The number (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf .)

[10] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: 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. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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.

PTO/SB/63 (09-04)
Approved for use through 07/31/2006. 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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (12-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No./Control No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), 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 37 CFR 3.11.

[NOTE: A separate copy (*i.e.*, a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

_____ _____
Signature Date

_____ _____
Printed or Typed Name Telephone Number

_____
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

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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.
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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 individuals.
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 inspection 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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JJGJR.: 06-06

Paper No: __

JONATHAN A. BAY
ATTORNEY AT LAW
SUITE 314
333 PARK CENTRAL EAST
SPRINGFIELD MO 65806

COPY MAILED

JUN 19 2006

OFFICE OF PETITIONS

In re Application of :
Witt :
Application No. 29/192,706 : DECISION
Filing Date: 28 October, 2003 :
Attorney Docket No.: 611-1 :

This is a decision on the petition filed on 30 March, 2006, alleging unintentional delay under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the drawings requirement accompanying the Notice of Allowance and Fees Due and Notice of Allowability mailed on 18 October, 2005, with reply due absent extension of time on or before 18 January, 2006;
- the instant application went abandoned after midnight 18 January, 2006;
- the Office mailed a Notice of Abandonment on 20 March, 2006;
- on 30 March, 2006, Petitioner filed the original petition (with fee), drawings the reply, and made a statement as to delay–however, Petitioner's statement failed to comply with the regulatory requirements (see: 37 C.F.R. §1.137(b)), and further Petitioner failed to

submit the terminal disclaimer and fee required under the regulation, and the petition was dismissed on 17 April, 2006;

- the instant petition seeks to overcome these deficiencies, and Petitioner has filed the petition, paid the fee, provided the reply in the form of drawings, made the statement of unintentional delay and filed the terminal disclaimer (with fee).

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority. The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4] And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt,[6] and so cannot satisfy the test for diligence and due care.

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[2] Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.

[3] See: *Changes to Patent Practice and Procedure; Final Rule Notice*, 62 *Fed. Reg.* at 53158-59 (October 10, 1997), 1203 *Off. Gaz. Pat. Office* at 86-87 (October 21, 1997).

[4] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[5] See: Diligence in Filing Petitions to Revive and Petitions to Withdraw the Holding of Abandonment, 1124 Off. Gaz. Pat. Office 33 (March 19, 1991). It was and is Petitioner's burden to exercise diligence in seeking either to have the holding of abandonment withdrawn or the application revived. See 1124 Off. Gaz. Pat. Office supra.

[6] The test of diligence in the prosecution of an application before the Commissioner is, in the context of ordinary human affairs, the test is such care as is generally used and observed by prudent and careful persons in relation to their most important business. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r. Pat. 1913).

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[7]))

As to the Allegation
of Unintentional Delay

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a statement/showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee if the application was filed before 8 June, 1995, or is a design application.

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[7] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

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Commissioner for Patents
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FROM DIRECTORS OFFICE

JUL 13 2005

TECHNOLOGY CENTER 3600

Christie, Parker & Hale, LLP
P O Box 7068
Pasadena, CA 91109-7068

In re Application of:
Rodolfo Linares
Application No.29/192,716
Filed: October 29, 2003
Attorney Docket No.
51112/DRK/S1050

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR § 1.313(b)

The above-identified application is withdrawn from issue due to the purpose for processing of the petition for retroactive foreign filing license. See 37 CFR § 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee and publication fee are refundable upon written request. Applicant may also request that the fee be credited to a specified Deposit Account. Applicant may, however, wait until such time as the application is either allowed or abandoned to make such request. If the application is subsequently allowed, upon receipt of a new Notice of Allowance and Issue and Publication Fee Due, applicant may further request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified in the new Notice of Allowance and Issue and Publication Fee Due. This request, and any balance due, must be received on or before the due date noted in the new Notice of Allowance and Issue and Publication Fee Due in order to prevent abandonment of the application. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquires should be directed to Supervisory Patent Examiner Michael J. Carone, at (571)-272-6873.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Donald T. Hajec, Director
Technology Center 3600

cc: Office of Patent Publication

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:10272005

DATE : October 27, 2005

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D504,929

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Stella Reid **Art Unit** 2912

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

SEYFARTH SHAW LLP
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

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OCT 2 8 2004

OFFICE OF PETITIONS

In re Application of :
Stephane Bedard, et al. :
Application No. 29/192,797 : ON PETITION
Filed: October 29, 2003 :
Attorney Docket No. TJK/424 :

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

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being referred to the Publication Division.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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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WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

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APR 14 2005

OFFICE OF PETITIONS

In re Application of :
Alan Ball :
Application No. 29/192,829 : ON PETITION
Filed: October 13, 2003 :
Attorney Docket No. 113120-124 :

This is a decision in response to the petitions filed April 11, 2005 and April 12, 2005 under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition filed April 11, 2005 is DISMISSED AS MOOT.

Petitioner requested that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a Request for Continued Examination (RCE) under 37 CFR 114. Since RCE practice under 37 CFR 1.114 does not apply to design applications, the petition is dismissed as involving a moot issue. Accordingly, the RCE and IDS filed April 11, 2005 is being placed in the file without further consideration.

The petition filed April 12, 2005 is GRANTED.

Petitioner requests that the application be withdrawn from issue to permit abandonment for consideration of an Information Disclosure Statement in a continued prosecution application (CPA) under 37 CFR 1.53(d). The petition is found to comply with the requirements of 37 CFR 1.313(c)(3). Accordingly, the application is withdrawn from issue.

Petitioner is advised that the issue fee paid on March 4, 2005, in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed April 12, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2911 for processing of the CPA filed April 12, 2005.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEYFARTH SHAW
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

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OCT 19 2004

OFFICE OF PETITIONS

In re Application of	:	
Bedard et al.	:	
Application No. 29/192,836	:	ON PETITION
Filed: October 29, 2003	:	
Attorney Docket No. TJK/423	:	

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 the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of
David Fowlkes
Application No. 29/192,854
Filed: October 31, 2003
Attorney Docket: 118583-00115

: DECISION GRANTING
: PETITION

This is a decision on the petition filed March 31, 2004, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of March 9, 2004.[1]

On October 31, 2003, the application was deposited. The filing included, inter alia, a transmittal letter, one sheet of drawings containing Figures 1 and 2 and a declaration.

On January 9, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application "Notice" stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response to the "Notice", on March 9, 2004, petitioner filed a claim, an executed oath or declaration and a preliminary amendment.

On March 24, 2004, the Office of Initial Patent Examination mailed a communication withdrawing the "Notice" mailed January 9, 2004 and mailed a second "Notice" stating that the specification was missing and that a complete specification as prescribed by 35 USC 112 was required and again that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response to the second "Notice", the instant petition was filed with a specification and oath or declaration and noting that the application was complete on March 9, 2004, the date a specification with at least one claim was filed and thus, March 9, 2004 should be accorded as the filing date. Petitioner further argues that the filing of a specification was not required upon application since the drawings filed on October 31, 2003 satisfied the requirements of 35 USC 112 first paragraph.

A review of the record reveals that neither a formal specification nor a formal claim was

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[1]MPEP 506.

included with the application papers deposited October 31, 2003. However, it is noted that the application papers deposited October 31, 2003, included a transmittal letter referring to the application by title and stating that the application contains a one (1) page specification, one (1) sheet of drawings and an unexecuted declaration stating that the inventor believes himself to be

> "the original, first, and sole inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled: WHEEL DESIGN the specification of which is attached hereto."

The one page specification filed October 31, 2003, upon application however only included a header: APPLICATION FOR UNITED STATES LETTERS PATENT; the title of the invention: WHEEL DESIGN; the inventor: DAVID FOWLKES; and the name, address, telephone number and docket no. for the attorney of record, which will be construed as a specification cover sheet.

Neither a formal specification (written description) nor a formal claim was included with the application when it was deposited. However, since this a design application, the transmittal letter (as referred to above), the specification cover sheet (as referred to above) and the above-quoted language in the declaration can be construed as the specification (written description) and claim, respectively, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter, specification cover sheet and the language quoted above from the declaration be construed as the specification and claim, respectively, for purposes of according this application a filing date of October 31, 2003.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

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

The communication filed March 9, 2004, including a formal specification and claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 31, 2003, using the application papers filed October 31, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON DC 20037

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OFFICE OF PETITIONS

In re Application of
David Fowlkes
Application No. 29/192,873
Filed: October 31, 2003
Attorney Docket: 118583-00110

: DECISION GRANTING
: PETITION

This is a decision on the petition filed March 31, 2004, under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of March 10, 2004.[1]

On October 31, 2003, the application was deposited. The filing included, inter alia, a transmittal letter, two sheets of drawings containing Figures 1-4 and a declaration.

On January 12, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application "Notice" stating that the specification did not include at least one claim in compliance with 35 USC 112 and that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response to the "Notice", on March 10, 2004, petitioner filed a claim, an executed oath or declaration and a preliminary amendment.

On March 23, 2004, the Office of Initial Patent Examination mailed a communication withdrawing the "Notice" mailed January 12, 2004 and mailed a second "Notice" stating that the specification was missing and that a complete specification as prescribed by 35 USC 112 was required and again that the filing date of the application would be the date of receipt of a claim in compliance with 35 USC 112.

In response to the second "Notice", the instant petition was filed with a specification and oath or declaration and noting that the application was complete on March 10, 2004, the date a specification with at least one claim was filed and thus, March 10, 2004 should be accorded as the filing date. Petitioner further argues that the filing of a specification was not required upon application since the drawings filed on October 31, 2003 satisfied the requirements of 35 USC 112 first paragraph.

A review of the record reveals that neither a formal specification nor a formal claim was

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[1]MPEP 506.

included with the application papers deposited October 31, 2003. However, it is noted that the application papers deposited October 31, 2003, included a transmittal letter referring to the application by title and stating that the application contains a one (1) page specification, two (2) sheets of drawings and an unexecuted declaration stating that the inventor believes himself to be

> "the original, first, and sole inventor . . . of the subject matter which is claimed and for which a patent is sought on the invention entitled: WHEEL AND SPINNER DESIGN the specification of which is attached hereto."

The one page specification filed October 31, 2003, upon application however only included a header: APPLICATION FOR UNITED STATES LETTERS PATENT; the title of the invention: WHEEL AND SPINNER DESIGN; the inventor: DAVID FOWLKES; and the name, address, telephone number and docket no. for the attorney of record, which will be construed as a specification cover sheet.

Neither a formal specification (written description) nor a formal claim was included with the application when it was deposited. However, since this a design application, the transmittal letter (as referred to above), the specification cover sheet (as referred to above) and the above-quoted language in the declaration can be construed as the specification (written description) and claim, respectively, required by 35 USC 112 insofar as this design application is concerned. The form of a claim in a design application is fixed by rule and is accordingly different from the claims of other applications. Accordingly, since this a design application and since the claim language quoted above does appear at the conclusion, or end, of the specification, there is no statutory prohibition against construing this language as the statutory required claim. It is also clear that there has been, and is, no doubt as to the form of, and what is to be claimed herein since this is a design application for which the form of the claim is set by 37 CFR 1.153.

Under the circumstances, it is appropriate that the transmittal letter, specification cover sheet and the language quoted above from the declaration be construed as the specification and claim, respectively, for purposes of according this application a filing date of October 31, 2003.

Petitioner is reminded that errors such as occurred herein can result in loss of rights and care must be taken to avoid such.

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

The communication filed March 10, 2004, including a formal specification and claim will be considered as a preliminary amendment and will be entered in due course, and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 31, 2003, using the application papers filed October 31, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

THE HOOVER COMPANY
Patent Department
101 East Maple Street
North Canton, OH 44720

In re Application of :
Moine, et. Al : DECISION ON PETITION
Application No. 29/192,893 :
Filed: October 29, 2003 :
Docket No.: 2679 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 8, 2006.

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance and Notice of Allowability (Notices) mailed November 5, 2004. Notice of Abandonment was mailed April 18, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 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 pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting the 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 37 CFR 1.137(b) was

unintentional. See, Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

There is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application will be forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Mark L. Weber
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, OH 44308-1456

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WEST SINKING SPRING PA 19608

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OFFICE OF PETITIONS

In re Application of :
Weiss-Lohrei :
Application No. 29/192,913 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. N/A :
For: MATERNITY PILLOW

This is a decision on the petition filed October 24, 2005 under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit corrected formal drawings in response to the Notice of Allowability, mailed April 5, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on October 13, 2005.

Petitioner asserts that corrected formal drawings were deposited with the United States Postal Service as non-certified mail on June 6, 2005. The Office has no record of receiving the drawings.

Petitioner is reminded that for papers filed in the United States, the date of deposit of the papers will be considered the filing date of the papers **if** Express Mail Service of the United States Postal Service (37 CFR 1.10) or certificate of mailing practice (37 CFR 1.8) is utilized. Under these procedures, the USPS acts as an agent of the Office for receipt date purposes.

In addition, the Office has an established procedure for acknowledging receipt of papers filed in the PTO to any applicant desiring a receipt. It is set forth in the Manual of Patent Examining Procedure § 503 as follows:

> If a self-addressed postcard is submitted ..., that postcard will be provided with both the receipt date and application number prior to returning it to the addressee....A postcard receipt which itemizes and properly identifies and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

In the instant case, the record does not show that petitioner submitted an itemized postcard receipt with the corrected formal drawings.

Because the record does not indicate that petitioner utilized any of the procedures set forth above to send the drawings to the Office, the request to withdraw the holding of abandonment cannot be granted.

A reasonable person acting with due care and diligence would have filed the correspondence in compliance with 37 CFR 1.8 or 1.10 to ensure its timely filing in the PTO, as well as preserve adequate evidence of such filing, a delay caused by an applicant's failure to file correspondence in compliance with 37 CFR 1.8 and 1.10 does not constitute unavoidable delay. *Krahn v. Commissioner of Patents and Trademarks*, 15 U.S.P.Q.2d (BNA) 1823 (E.D. Va. 1990).

ALTERNATE VENUE

The facts recited in the instant petition are those typically encountered in a petition to revive under the unintentional standard of 37 CFR 1.137(b). Petitioner is urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $ 750.00 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

For petitioner's convenience, a blank copy of Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)/ PTO/SB/64 is enclosed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

enclosure: blank copy of Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)/ PTO/SB/64

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: 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. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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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United States Patent and Trademark Office
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520 AUGUSTA DRIVE
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JUL 26 2006

OFFICE OF PETITIONS

In re Application of :
Weiss-Lohrei :
Application No. 29/192,913 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. N/A :
For: MATERNITY PILLOW

This is a decision on the petition filed July 11, 2006 under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely submit corrected formal drawings in response to the Notice of Allowability, mailed April 5, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on October 13, 2005.

A grantable petition pursuant to 37 CFR 1.137(b) 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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirements (1) and (4) above.

With respect to (1), Draftsperson J. Chase has determined that the drawings filed on October 24, 2005 are not acceptable. Please review the enclosed NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW for the exact objections.

With respect to (4), 37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless the filing date of a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer and a $65.00 terminal disclaimer fee. A blank terminal disclaimer form is enclosed for petitioner's convenience.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

Enclosures: NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

Blank terminal disclaimer form

Form PTO-948 (Rev. 06/03)
Application No. 29/192,913

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 10-24-05 are:

A. ___ approved by the Draftsperson under 37 CFR 1.84 or 1.152.

B. ✓ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

___ Color drawings are not acceptable until petition is granted. Fig(s)___

___ Pencil and non black ink not permitted. Fig(s)___

2. PHOTOGRAPHS. 37 CFR 1.84(b)

___ One (1) full-tone set is required. Fig(s)___

___ Photographs may not be mounted. 37 CFR 1.84(e)

___ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s)___

___ Poor quality (half-tone). Fig(s)___

3. TYPE OF PAPER. 37 CFR 1.84(e)

___ Paper not flexible, strong, white, and durable. Fig(s)___

___ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s)___

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2x 11 inches)

___ All drawing sheets not the same size. Sheet(s)___

___ Drawings sheets not an acceptable size. Fig(s)___

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

___ Margins not acceptable. Fig(s)___

_____Top (T) _____ Left (L)

_____Right (R) _____ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

___Views not labeled separately or properly. Fig(s)___

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

___ Sectional designation should be noted with Arabic or Roman numbers. Fig(s)___

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

___ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s)___

9. SCALE. 37 CFR 1.84(k)

___ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s)___

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

✓ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 2, 5

11. SHADING. 37 CFR 1.84(m)

___ Solid black areas pale. Fig(s) ___

___ Solid black shading not permitted. Fig(s)___

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

___ Numbers and reference characters not plain and legible. Fig(s)___

___ Figure legends are poor. Fig(s)___

___ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s)___

___ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s)___

___ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s)___

13. LEAD LINES. 37 CFR 1.84(q)

___ Lead lines missing. Fig(s)___

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

___ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s)___

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

___ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s)___

16. DESIGN DRAWINGS. 37 CFR 1.152

___ Surface shading shown not appropriate. Fig(s)___

___ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s)___

COMMENTS:

Reviewer J. CHASE

If you have questions, call (703) 305-8404.

Date 5-18-06

Attachment to Paper No. ___

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

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TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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THERESE WEISS-LOHREI
520 AUGUSTA DRIVE
WEST SINKING SPRING PA 19608

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MAR 3 0 2007

OFFICE OF PETITIONS

In re Application of :
Weiss-Lohrei :
Application No. 29/192,913 : ON PETITION
Filed: October 31, 2003 :
Attorney Docket No. N/A :
For: MATERNITY PILLOW

This is a decision on the reconsideration petition filed September 25, 2006 under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **granted**.

The above-identified application became abandoned for failure to timely submit corrected formal drawings in response to the Notice of Allowability, mailed April 5, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 6, 2005. A Notice of Abandonment was mailed on October 13, 2005.

Applicant has submitted a proper reply in the form of corrected formal drawings, an acceptable statement of the unintentional nature of the delay in responding to the April 5, 2005 Notice of Allowability, a terminal disclaimer and required fee, and the petition fee.

Therefore, the petition is granted.

This application is being forwarded to Publishing Division for consideration of the corrected formal drawings filed with this petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Petitions Attorney
Office of Petitions

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/192,956	10/30/2003	2913	470	54317-025902	10	1	1

CONFIRMATION NO. 9494

UPDATED FILING RECEIPT

33717
GREENBERG TRAURIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

OC000000014047838

Date Mailed: 10/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Chris Heatherly, Pasadena, CA;
Stephanie Kraus-Wuthrich, Glendale, CA;
John Holland, San Francisco, CA;
Julie Nishioka, Glendale, CA;
Randal Ouye, La Crescenta, CA;
Jeffrey Sand, San Francisco, CA;

Power of Attorney: The patent practitioners associated with Customer Number **33717**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/10/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US29/192,956

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Watch, band, hinge and snap system

Preliminary Class

D10

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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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.

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ROBERT J DOHERTY
10-11 GEORGE ST.
BARRINGTON, RI 02806

8/15/05

In re Application of
Summer MacDonald
Serial No.: 29/192,997
Filed: November 3, 2003
Attorney Docket No.: M-16

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed June 20, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 13, 2005, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was received March 14, 2005; however, as no formal drawings were received by April 13, 2005, a Notice of Abandonment was mailed May 16, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant by Treasury Check in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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KANSAS CITY, MO 64108

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OFFICE OF PETITIONS

In re Application of :
Vicki Sickler, et al. :
Application No. 29/193,093 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. 34309-DSG :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 17, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed June 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 15, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Formal Drawings; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being forwarded to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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8/19/05

MICHAEL J STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

In re Application of
Hans-Peter Aglassinger
Serial No.: 29/193,103
Filed: November 3, 2003
Attorney Docket No.: 2800

: PETITION DECISION

This is a decision on applicant's Petition to withdraw holding of abandonment, which is being treated as a Petition to Revive under 37 CFR 1.181 submitted June 16, 2005, due to non-receipt of the Office action.

This application became abandoned for failure to respond to the Notice to File Missing Parts of Nonprovisional Application, mailed January 9, 2004, which set a two-month statutory period to submit the oath or declaration and a surcharge. As no response was received by March 9, 2004, a Notice of Abandonment was mailed June 7, 2005. Applicant then filed this petition.

Applicant has submitted copies of the docket file and docket records, which show that the applicant never received the Notice to File Missing Parts. Therefore, the case will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be forwarded for prompt remailing of the Notice in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

FEB 12 2005

In re Application of
John Allen Wooton :
Serial No.: 29/193,107 :
Filed: November 3, 2003 : PETITION DECISION
Attorney Docket No.: D-806D :
:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 8, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 20, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by July 20, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The Petition fee of $1370.00 and the Issue fee of $490.00 will be charged to applicant's Deposit Account 16-2480, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JACQUELINE M. STONE
DIRECTOR
TECHNOLOGY CENTER 1700

John Kittle
Director, Technology Center 3700/2900

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THE COLEMAN COMPANY, INC.
LEGAL DEPARTMENT - 702
3600 N. HYDRAULIC
WICHITA, KS 67219

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OFFICE OF PETITIONS

In re Application of :
Vincent C.K. Leung :
Application No. 29/193,108 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. ORGLGT2-4233 :

This is a decision on the petition under 37 CFR 1.313(a), filed September 7, 2005, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue to file a divisional application on one of the embodiments presented in the application.

37 CFR 1.313(a) states, in part:

> Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good an sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The Office Finance records show that the petition fee was inadvertently charged twice. Therefore, a refund of $130 is being credited to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application is necessary. Petitioner states "The reason for withdrawal from issue is to file a divisional application on one of the embodiments presented in the application." A divisional application can be filed without withdrawing the case from issue.

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

Peter C. Knops
Shook Hardy & Bacon, L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108

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2555 GRAND BOULEVARD
KANSAS CITY, MO 64108

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OFFICE OF PETITIONS

In re Application of :
Vincent C.K. Leung et al :
Application No. 29/193,108 : ON PETITION
Filed: November 3, 2003 :
Attorney Docket No. ORGLGT2-4233

This is a decision on the petition, filed October 3, 2005, which is being treated as a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for express abandonment in favor of a continued prosecution application (CPA) under CFR 1.53(d). See 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

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DYKEMA GOSSETT PLLC
SUITE 300 WEST
1300 I STREET, N.W.
WASHINGTON, DC 20005-3306

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OFFICE OF PETITIONS

In re Patent No. D505,434 :
Issue Date: May 24, 2005 :
Application No. 29/193,129 : ON PETITION
Filed: November 5, 2003 :
Attorney Docket No. 66309-188 :

This is a decision on the petition filed September 29, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

Petitioner has provided a request for a certificate of correction under § 1.323. The $100 fee required by § 1.20(a) and the $130 processing fee set forth in § 1.17(i) are being charged to counsel's deposit account as authorized. Accordingly, the request complies with the provisions of 37 CFR 3.81(b).

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

---

[1] 37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

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JUN 07 2006

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110-2550

In re Application of	:	
John Hlavacs	:	
Serial No.: 29/193,141	:	DECISION ON PETITION
Filed: November 4, 2003	:	
For: Side Element Of A Shoe Upper	:	

This is in response to the petition applicant filed on November 4, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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JUN 29 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Jeffrey Henderson	:	
Serial No.: 29/193,152	:	DECISION ON PETITION
Filed: November 4, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 4, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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NOV 18 2004

MILLER THOMPSON LLP
20 QUEEN STREET WEST, SUITE 2500
TORONTO, ON M5H 3S1
CANADA

In re Application of
George Rintamaki :
Serial No.: 29/193,188 :
Filed: November 6, 2003 : PETITION DECISION
Attorney Docket No.: 60921.02/EJG :
:

This is a decision on applicant's Petition for Withdrawal of Notice of Abandonment, which is being treated as a petition under 37 CFR 1.181, filed on September 14, 2004 to revive an unintentionally abandoned application.

The petition is **DISMISSED**.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on April 15, 2004, giving applicant a three-month shortened statutory period in which to submit a response. The Issue fee was received August 10, 2004; however, as it was not received on or by July 15, 2004, a Notice of Abandonment was mailed August 25, 2004; this petition followed.

Applicant has stated that the application was abandoned in error, as applicant did respond to the Office action. Applicant has included copies of a UPS Delivery Service Invoice and Tracking Summary, which show that a package was received by the Patent Office on July 14, 2004. However, there is no proof that this package was applicant's response. Applicant is advised the UPS Receipt does not provide sufficient evidence that applicant timely submitted a response, as there is no indication what was actually submitted. If applicant cannot prove that the response was submitted timely, applicant may wish to consider filing a Petition under 37 CFR 1.137(b) to revive the application.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Alexandria, VA 22313-1450
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NOV 18 2004

MILLER THOMPSON LLP
20 QUEEN STREET WEST, SUITE 2500
TORONTO, ON M5H 3S1
CANADA

In re Application of	:
George Rintamaki	:
Serial No.: 29/193,188	: PETITION DECISION
Filed: November 6, 2003	:
Attorney Docket No.: 60921.02/EJG	:

This is a decision on applicant's Petition for Withdrawal Holding of Abandonment, which is being treated as a petition under 37 CFR 1.181, filed on September 14, 2004 to revive an unintentionally abandoned application.

The petition is **DISMISSED**.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on April 15, 2004, giving applicant a three-month statutory period in which to submit the Issue fee. As the response was not received until August 10, 2004, a Notice of Abandonment was mailed August 25, 2004; this petition followed.

Applicant has stated that the application was abandoned in error, as applicant did timely respond to the Office action. A copy of a UPS Packaging receipt has been submitted, showing that a package was delivered to the Patent Office on July 14, 2004. However, there is no evidence that this package was in fact applicant's response. Only a Certificate of Mailing or a Post Card Receipt with a date stamp from the Office with the application serial number would be sufficient evidence that applicant timely submitted a response, as there is no indication what was actually submitted. If applicant cannot prove that the response was submitted timely, applicant may wish to consider filing a Petition under 37 CFR 1.137(b) to revive the application.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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MILLER THOMPSON LLP
20 QUEEN STREET WEST, SUITE 2500
TORONTO, ON M5H 3S1
CANADA

FEB 12 2005

In re Application of
George Rintamaki
Serial No.: 29/193,188
Filed: November 6, 2003
Attorney Docket No.: 60921.02/EJG

: PETITION DECISION

This is a decision on applicant's renewed Petition for Withdrawal of Notice of Abandonment, which is being treated as a petition under 37 CFR 1.181, filed on December 6, 2004 to revive an unintentionally abandoned application.

A review of the file history shows that the Office mailed a Notice of Allowance to applicant on April 15, 2004, giving applicant a three-month shortened statutory period in which to submit a response. The Issue fee was received August 10, 2004; however, as it was not received on or by July 15, 2004, a Notice of Abandonment was mailed August 25, 2004; this petition followed.

Applicant has shown that the reference number of the application was on the copy of the UPS Delivery Service Invoice and Tracking Summary, which show that a package was received by the Patent Office on July 14, 2004. Therefore, this shows that applicant's response was timely submitted.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

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OFFICE OF PETITIONS

In re Patent No. D509,520 :
Issue Date: September 13, 2005 :
Application No. 29/193,196 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 66383-024-7 :
For: LINEAR ACTUATOR

This is a decision on the petition under 37 CFR 1.182, filed September 24, 2006, requesting entry of a corrected declaration/power of attorney.

The petition is **GRANTED**.

The patent issued on September 13, 2005. Petitioners request that the Office enter an untimely filed declaration that corrects the citizenship of Norbert Klinke.

The patent itself will not be altered, but the untimely filed declaration will be retained in the application file.

The $400.00 Rule 182 petition fee has been charged to the specified deposit account.

This patented file will be returned to Files Repository.

Telephone inquiries pertaining to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner for
Patent Examination Policy

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Brad I. Golstein
WorkTools, Inc.
20755 Plummer Street
Chatsworth, CA 91311

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SEP 15 2006

OFFICE OF PETITIONS

In re Application of

Joel Marks : ON PETITION

Application No. 29/193,255

Filing Date: November 7, 2003

Attorney Docket No.

This is a decision on the petition under 37 CFR §1.137(b), filed July 1, 2006, in the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Issue Fee Due mailed February 9, 2005. The notice allowed a statutory period for reply of three months from its mailing date. No reply was received within the allowable period, and the application became abandoned on May 10, 2005. A Notice of Abandonment was mailed on January 6, 2006.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy the requirements of item (4) above.

As to item (4), the terminal disclaimer was not found with the petition papers, notwithstanding the petitioner's indication to the contrary. The subject application is a design application, therefore; a terminal disclaimer is required in order to revive the application. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience. Pursuant to 37 CFR 1.137(d), the terminal disclaimer must dedicate to the public a terminal part of the term of any patent granted from this application that is equivalent to the period of abandonment of the application.

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

By mail: Mail Stop Petitions
Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

PTO/SB/63 (07-06)
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Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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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Brad I. Golstein
WorkTools, Inc.
20755 Plummer Street
Chatsworth, CA 91311

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OFFICE OF PETITIONS

In re Application of:
Joel Marks
Application No. 29/193,255
Filed: November 7, 2003
Attorney Docket No.

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR §1.137(b), November 20, 2006, to revive the above-identified application.

The renewed petition is **granted.**

This application became abandoned for failure to timely remit the issue fee of $400.00 as required by the Notice of Allowance and Issue Fee mailed February 9, 2005. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on May 10, 2005. A Notice of Abandonment was mailed on January 6, 2006. A petition under 37 CFR 1.137(b) was first filed on July 1, 2006, and dismissed by a decision mailed September 15, 2006.

The issue fee was received on July 1, 2005. The terminal disclaimer filed November 20, 2006, is also noted.

The application is being forwarded to the Office of Patent Publications for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Foley & Lardner
777 East Wisconsin Avenue
Suite 3800
Milwaukee, WI 53202-5306

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SEP 19 2005

OFFICE OF PETITIONS

In re Patent No. D,506,349 :
Issue Date: June 21, 2005 :
Application No. 29/193,278 : ON PETITION
Filed: November 6, 2003 :
Attorney Docket No. 062103-0460 :

This is a decision on the petition filed July 11, 2005 and supplemented on August 24, 2005, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

Petitioner tendered a check in the amount of $130 for the petition fee. However, the USPTO inadvertently charged an additional $270 to petitioner's deposit account. The $270 overpayment will be credited to petitioner's deposit account and any inconvenience caused to petitioner is regretted.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3223. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

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1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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APR 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Mitchell T.Kelldorf :
Application No. 29/193,348 : ON PETITION
Filed: November 10, 2003 :
Attorney Docket No. 06213.0004.NPUS00 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 1, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) 4.

A terminal disclaimer is required in **all design** applications when filing a petition under 37 CFR 1.137(b).

---

[1] As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

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 Window located at:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVAK DRUCE AND QUIGG LLP
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

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OFFICE OF PETITIONS

In re Application of	:	
Mitchell T. Kelldorf	:	
Application No. 29/193,348	:	DECISION ON PETITION
Filed: November 10, 2003	:	
Attorney Docket No.	:	
06213.0004.NPUS00	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal rejection mailed February 8, 2005, is accepted as having been unintentionally delayed.

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

This application is being referred to Technology Center AU 2914 for appropriate action by the Examiner in the normal course of business on the reply received December 1, 2006 and October 23, 2007.

Karen Creasy
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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LAW OFFICE OF BRIAN S STEINBERGER
101 BREVARD AVENUE
COCOA, FL 32922

In re Application of
Charles E Bucher :
Serial No.: 29/193,384 :
Filed: October 7, 2003 : PETITION DECISION
Attorney Docket No.: PC- :
1549DES.A.DIV.A :

This is in response to applicant's Petition under 37 CFR 1.181, filed December 7, 2004, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to fully respond to the Notice of Allowance mailed June 30, 2004. As no response was received by September 30, 2004, a Notice of Abandonment was mailed November 22, 2004. This petition followed.

Applicant has stated that a response was timely filed, and has submitted copies of the Issue Fee transmittal and formal drawings with a Certificate of Mailing date of July 15, 2004.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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SEP 10 2004

DAVID J. ZOETEWEY, ESQ.
SNELL & WILMER LLP
1920 MAIN STREET, SUITE 1200
IRVINE, CA 92614

In re Application of	:
William D. Buma	:
Serial No.: 29/193,398	: PETITION DECISION
Filed: November 7, 2003	:
Attorney Docket No.: 45608-0100	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted June 25, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed March 18, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by June 18, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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

FEB 12 2005

In re Application of
Stuart Weekes
Serial No.: 29/193,437
Filed: November 12, 2003
Attorney Docket No.: 036481-0142

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted November 17, 2004, to revive an unintentionally abandoned application.

A review of the application shows that a Notice to File Missing Parts of Nonprovisional Application was mailed January 12, 2004, setting a two month period of time to respond. As no response was received by March 12, 2004, a Notice of Abandonment was mailed October 8, 2004. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as applicant submitted the petition within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for initial examination in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JStone

Jacqueline Stone
Director, Technology Center 1700/2900

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600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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OFFICE OF PETITIONS

In re Application of :
Zocco, Philip :
Application No. 29/193,489 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. G0718.70002US00 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 28, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item (4). As indicated above, a terminal disclaimer and fee is required if the application is a design application. A blank form in enclosed for petitioner's convenience.

Petitioner requests a waiver of the petition fee. The relief requested in this petition cannot be granted because 35 U.S.C. 41(a)(7) provides that a petition for the revival of an unintentionally

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

delayed payment of the issue fee must be accompanied by a petition fee of $750.00, unless the petition is filed under 35 U.S. C 133 or 151 on the basis of unavoidable delay. Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

Further, although petitioner originally *timely* filed a Request for Continued Examination (RCE) on February 21, 2006, the *proper* reply of a Continued Prosecution Application (CPA) was not submitted until after the February 28, 2006 due date.

As the fee was incorrectly refunded on November 15, 2006, the $750.00 petition fee will be charged to petitioner's deposit account as authorized.

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 Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/63

PTO/SB/63 (09-06)
Approved for use through 03/31/2007. 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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____	_____
Signature	Date
_____	_____
Typed or Printed Name	Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection 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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BOSTON MA 02210-2206

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OFFICE OF PETITIONS

In re Application of :
Zocco, Philip :
Application No. 29/193,489 : ON PETITION
Filed: November 10, 2003 :
Attorney Docket No. G0718.70002US00 :

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 17, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This matter is being referred to Technology Center 2900 for processing of the Continued Prosecution Application filed June 28, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Walsh
Petitions Examiner
Office of Petitions

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MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE WI 53202

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OCT 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Steven R. Brownell :
Application No. 29/193,496 : ON PETITION
Filed: November 10, 2003 :
Attorney Docket No. 073080-9013-00 :

This is a decision on the petition, filed October 6, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on August 23, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed October 6, 2004.

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The application will be referred to Technology Center 2912 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of :
Zocco :
Application No. 29/193,499 : ON PETITION
Filed: November 10, 2003 :
Attorney Docket No. G0718.70001US00 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 28, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the Notice of Allowance (Notice) mailed November 29, 2005. The Notice set a three month statutory period of time for reply. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Continued Prosecution Application (CPA) under 37 CFR 1.53(d); (2) the required petition fee; and (3) an adequate statement of unintentional delay.

The required issue fee has been charged to petitioner's deposit account. See, 37 CFR 1.53(d)(1)(iii)(A).

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of CPA.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

The application file is being Technology Center 2900 for processing of the CPA.

ALESIA M. BROWN
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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2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

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AUG 21 2008

In re Application of :
Shun-Min Chen :
Application Number: 29/193511 : DECISION ON PETITION
Filing Date: 11/10/2003 :
Attorney Docket Number: :
1190889-991240 :

This is a decision on the renewed petition filed on January 25, 2008 (certificate of mailing date April 10, 2006), under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 18, 2005, for failure to submit a timely and proper response to the Office action mailed in accordance with Ex parte Quayle[2] mailed on November 17, 2004, which set a two (2) month shortened statutory

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2] 1935 C.D. 11, 453 OG. 213.

period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 4, 2005.

On January 25, 2008 (certificate of mailing date April 10, 2006), the subject petition was filed, accompanied by a terminal disclaimer and a response to the Ex parte Quayle action.[3]

Petitioner's reply filed on January 25, 2008, has been deemed to place this case in condition for allowance.

The petition fee and terminal disclaimer fee will be charged to counsel's deposit account, as authorized in the present petition.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

The application file is being referred to Technology Center Art Unit 2913 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[3] As the petition and response contains a certificate of mailing dated April 10, 2006, the petition and related papers are considered to be timely filed. MPEP 711.03(c).

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Robert F. Frijouf
FRIJOUF, RUST & PYLE, P.A.
201 East Davis Boulevard
Tampa FL 33606

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OFFICE OF PETITIONS

In re Application of :
Yerby et al. :
Application No. 29/193,543 : DECISION ON PETITION
Filed: November 11, 2003 :
Attorney Docket No. 2003-0147 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed January 13, 2006.

This above-identified application became abandoned for failure to timely file a reply to the Office Action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed April 25, 2005 which set a two (2) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on June 25, 2005. A Notice of Abandonment was mailed January 3, 2006.

Petitioner asserts that a reply to the final Office Action including a one month extension of time were submitted on July 27, 2005 with a certificate of mailing dated July 25, 2005. As evidence, petitioner has submitted a copy of a return postcard date stamped by the Office acknowledging receipt of the reply on July 27, 2005. Additionally petitioner has supplied a copy of the previously mailed correspondence, which contains a certificate of mailing pursuant to 37 CFR 1.8.

The response submitted July 27, 2005 has been located in the Office. It is noted the response contained the incorrect application number which aided in the delay matching the papers with the correct application. All future replies should contain the correct application number (29/193,543). In view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The requirements for a grantable petition under 37 CFR §1.181 have been met. This petition is hereby **Granted**.

This application is being forwarded to the Technology Center 2900 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petition Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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6/24/05

MICHAEL A. SHIPPEY, PH. D.
4848 LAKEVIEW AVENUE
SUITE B
YORBA LINDA CA 92886

In re Application of
Per Lindby
Serial No.: 29/193,547
Filed: November 10, 2003
Attorney Docket No.: 244.02-DP-USA

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(a) or (b), received April 1, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed June 4, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted October 14, 2004; however, as no formal drawings were received by October 28, 2004, a Notice of Abandonment was mailed February 18, 2005. Applicant then filed this petition.

As applicant has not provided any evidence that the required drawings were submitted timely, the Petition under 37 CFR 1.137(a) cannot be granted.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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OFFICE OF PETITIONS

In re Application of :
Chi-Gon Chen :
Application No. 29/193,595 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 13677.4021 :
For: LAMP

This is a decision on the petition under 37 CFR 1.137(b), filed December 19, 2005, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed May 19, 2005, which set a three month period for reply. This application became abandoned on August 20, 2005. A Notice of Abandonment was mailed on November 18, 2005.

A grantable petition pursuant to 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

37 CFR 1.137(d) requires that a petition under 37 CFR 1.137(b) be accompanied by a terminal disclaimer and fee regardless of the period of abandonment in a design application. This application is a design application. Thus, petitioner is required to submit a terminal disclaimer. A blank terminal disclaimer form is enclosed for petitioner's convenience.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that petitioner has no knowledge that the delay was in fact unintentional, petitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office. A courtesy copy of this decision is being mailed to petitioner. However, any future correspondence regarding this application will be mailed to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

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

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

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

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

enclosures: blank Terminal Disclaimer to Accompany Petition -- PTO/SB/63
Privacy Act Statement

CC: ALAN R. THIELE
300 CONVENT ST.
SUITE 900
SAN ANTONIO, TX 78205

PTO/SB/63 (09-04)
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION	Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

_____ _____
Signature Date

_____ _____
Typed or Printed Name Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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 disclosure of these records is required by the Freedom of Information Act.
(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 individuals.
(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 inspection or an issued patent.
(9) A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

COPY MAILED
OCT 19 2006
OFFICE OF PETITIONS

In re Application of :
Chi-Gon Chen :
Application No. 29/193,595 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 13677.4021 :
For: LAMP

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 30, 2006 and supplemented on September 12, 2006, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed May 19, 2005, which set a three month period for reply. This application became abandoned on August 20, 2005. A Notice of Abandonment was mailed on November 18, 2005.

A grantable petition pursuant to 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. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

The terminal disclaimer is signed by David G. Moore. While Mr. Moore is a registered practitioner, Mr. Moore is not an attorney or agent of record in this application. An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: DAVID G. MOORE
STRASBURGER & PRICE
901 MAIN ST. SUITE 4400
DALLAS, TX 75202

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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STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS, TX 75202

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APR 13 2007

OFFICE OF PETITIONS

In re Application of :
Chi-Gon Chen :
Application No. 29/193,595 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 13677.4021 :
For: LAMP

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed December 21, 2006, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed May 19, 2005, which set a three month period for reply. This application became abandoned on August 20, 2005. A Notice of Abandonment was mailed on November 18, 2005.

A grantable petition pursuant to 37 CFR 1.137(b) 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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

The Power of Attorney and Correspondence Address Indication Form, filed December 21, 2006, is not acceptable without a Statement under 37 CFR 3.73(b). The undersigned could not locate the purportedly enclosed Statement under 37 CFR 3.73(b). (PTO.SB/96)

Because the Power of Attorney and Correspondence Address Indication Form is not acceptable, the terminal disclaimer and the change of address are not acceptable. Once a proper Statement under 37 CFR 3.73(b) is filed, the terminal disclaimer will be re-evaluated.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned with any renewed petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

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

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

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

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: blank Part B-Fee(s) Transmittal

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.

TITLE OF INVENTION:

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE

EXAMINER	ART UNIT	CLASS-SUBCLASS

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) (Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS, TX 75202

COPY MAILED

FEB 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Chi-Gon Chen :
Application No. 29/193,595 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 13677.4021 :
For: LAMP

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed May 21, 2007 (certificate of mailing date May 16, 2007), to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed May 19, 2005, which set a three month period for reply. This application became abandoned on August 20, 2005. A Notice of Abandonment was mailed on November 18, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400.00 and a completed PTOL-85B, (2) the petition fee of $750.00; (3) a proper statement of unintentional delay, and (4) a terminal disclaimer (submitted 9/12/06) signed by an attorney of record and accompanied by the required $65.00 fee.

The Revocation of Power of Attorney and Change of Correspondence Address filed December 21, 2006 has been entered and made of record. Please find enclosed a Notice of Acceptance of Power of Attorney reflecting the changes.

The terminal disclaimer deposited June 30, 2006 was not signed. Therefore, the $65.00 fee will be credited to deposit account no. 19-4547.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to Publishing Division for processing into a patent.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/193,595	11/12/2003	Chi-Gon Chen	1401-4021

CONFIRMATION NO. 6520

64004
STRASBURGER & PRICE, LLP
901 MAIN STREET
SUITE 4400
DALLAS, TX 75202

POA ACCEPTANCE LETTER

Date Mailed: 12/07/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/21/2006.

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

/swbrantley/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/193,595	11/12/2003	Chi-Gon Chen	1401-4021

CONFIRMATION NO. 6520

POWER OF ATTORNEY NOTICE

32914
GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

OC000000027146957

Date Mailed: 12/07/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/21/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/swbrantley/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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NATH & ASSOCIATES
SIXTH FLOOR
1030 15TH STREET, N.W.
WASHINGTON, DC 20005

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APR 12 2004

OFFICE OF PETITIONS

In re Application of :
Dieter Niehues :
Application No. 29/193,621 : NOTICE
Filed: November 13, 2003 :
Attorney Docket No. 25833 :

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 the Office of Petitions Staff at (703) 305-9285.

This application file is referred to Technology Center AU 2911.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

COPY MAILED

JAN 27 2006

OFFICE OF PETITIONS

In re Application of :
Schuller et al. :
Application No. 29/193,639 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. D885 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 9, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed September 21, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 22, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The instant petition lacks item (4). Since the instant application is a design application, a terminal disclaimer and requisite fee are required to grant the petition. A blank terminal disclaimer form is enclosed for petitioner's convenience.

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 Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions

Enclosure: PTO/SB/62

---

[2] See MPEP 711.03(c)(III)(C) and (D).

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

DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

COPY MAILED

MAR 22 2007

OFFICE OF PETITIONS

In re Patent No. D509,565 :
Issue Date: September 13, 2005 :
Application No. 29/193,646 : ON PETITION
Filed: November 12, 2003 :
Patentee(s): Philippe Starck :

This is a decision on the petition filed November 10, 2006, which is being treated under 37 CFR 1.182, requesting issuance of duplicate Letters Patent for the above-identified application.

The petition is granted.

The Publishing Division is directed to issue duplicate Letters Patent.

Additionally, a review of the Office record indicates no irregularity[1] in the mailing of the Letters Patent on September 13, 2005. Therefore, the request to have the petition fee waived of $400 is not in order at this time.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250 x 139.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8C32 (Fax 571-273-9756)

[1]The patent grant mailed September 13, 2005 for the above application was not returned to the USPTO as undelievered.

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

APR 0 1 2004

Ziolkowski Patent Solutions Group, LLC
14135 N. Cedarburg Road
Mequon, WI 53097-1416

In re Application of :
Uta Nauert :
Serial No.: 29/193,695 :
Filed: November 13, 2003 :
For: Hummingbird Feeder Shade :

DECISION ON PETITION

This is in response to applicants' petition filed November 13, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter, addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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.go

Paper No.

UNILEVER PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

COPY MAILED

MAY 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Hoekstra et al. :
Application No. 29/193,727 :
Filed: November 12, 2003 : ON PETITION
Attorney Docket No. :
03-0299-UNI :

This is a decision in response to the Petition to Secure Filing Date as of mailing via Express Mail under 37 CFR 1.10(c), filed March 17, 2004, requesting the application be accorded a filing date of November 12, 2004, instead of the presently accorded filing date of November 13, 2003. The petition is properly treated under 37 CFR 1.10(d).

This Petition is hereby **granted**.

Applicant alleges that the application was deposited in Express Mail service on November 12, 2003. In support of the allegation, the petition is accompanied by a copy of Applicant's Express Mail mailing label and Pickup Service Statement for Express Mail for Express Mail Label No. ER292456386US. Although the "Date In" indicated on the Express Mail label for Express Mail Label No. ER292456386US is November 13, 2003, the Pickup Service Statement for Express Mail Label No. ER292456386US is signed by an employee of the United States Postal Service and dated November 12, 2003. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No fee is necessary.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 15 2006
OFFICE OF PETITIONS

MYERS DAWES ANDRAS & SHERMAN, LLP
19900 MACARTHUR BLVD.,
SUITE 1150
IRVINE CA 92612

In re Patent No. D506214
:
Issue Date: June 14, 2005
:
Application No. 29/193,734
: ON PETITION
Filed: November 12, 2003
:
Attorney Docket No. VJP1.PAD.01

This is a decision on the petition filed December 1, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct data on the front page of the above-identified patent by way of Certificate of Correction.

The request is **granted**.

Deposit account 01-1960 will be charged $130.00 for the request.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] See *Official Gazette* of June 22, 2004.

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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MYERS DAWES ANDRAS & SHERMAN
Suite 1150
19900 MacArthur Blvd.
Irvine CA 92612

FEB 12 2005

In re Application of
Graham David Allen :
Serial No.: 29/193,739 :
Filed: November 13, 2003 : PETITION DECISION
Attorney Docket No.: CEL1.0058 :
:

This is in response to applicant's Petition to Withhold Abandonment under 37 CFR 1.181, submitted September 30, 2004, due to non-receipt of the Office action. The delay in acting upon this petition is regretted.

A review of the file history shows that a Notice of Allowance was mailed April 16, 2004, setting a three month statutory period to pay the Issue fee. As no response was submitted by July 16, 2004, a Notice of Abandonment was mailed September 1, 2004. This petition followed.

Applicant has stated that the Notice of Allowance was never received, and has submitted sufficient dockets records and a Declaration, which prove non-receipt of the Office action. Therefore, the application was abandoned in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to the Examiner for remailing of the Notice of Allowance action in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

JACQUELINE M. STONE
DIRECTOR
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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DENTON L. ANDERSON, ESQ.
SHELDON & MAK
SUITE 900
225 SOUTH LAKE AVENUE
PASADENA, CA 91101

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APR 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Peter Glass et al	:	
Application No. 29/193,743	:	ON PETITION
Filed: November 12, 2003	:	
Attorney Docket No. 14678	:	

This is a decision on the petition filed November 4, 2004, which is being treated as a petition under 37 CFR 1.182, to change the order of the inventor names.

The petition is **Granted**.

The order of the desired name change has been corrected to read:

Peter Glass
Robert J. Mills

Telephone inquiries regarding the above matter should be directed to the undersigned at (571)272-3208.

This application is being referred to Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

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

DENTON L. ANDERSON, ESQ.
SHELDON & MAK
SUITE 900
225 SOUTH LAKE AVENUE
PASADENA, CA 91101

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JAN 12 2005

OFFICE OF PETITIONS

In re Application of :
Peter Glass et al :
Application No. 29,193,744 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 14673 :

This is a decision on the petition under 37 CFR 1.182, filed Auguat 16, 2004, to change the order of the inventors name.

The petition is **Granted**.

The issue fee transmittal submitted with the instant petition has been acknowledged.

Telephone inquiries regarding the above matter should be directed to the undersigned at (571)272-3208.

This application is being referred to the Office of Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Replacement Filing Receipt

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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SHELDON & MAK
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225 SOUTH LAKE AVENUE
PASADENA, CA 91101

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of :
Peter Glass et al :
Application No. 29/193,746 : ON PETITION
Filed: November 12, 2003 :
Attorney Docket No. 14677 :

This is a decision on the petition under 37 CFR 1.182, filed January 29, 2005, to change the order of the inventors name.

The petition is **Granted**.

A corrected Filing Receipt accompanies this decision on petition.

Telephone inquiries regarding the above matter should be directed to the undersigned at (571)272-3208.

This matter is being referred to Office of Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

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PASADENA CA 91101

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OCT 26 2004

OFFICE OF PETITIONS

In re Application of	:	
Peter Glass et al	:	
Application No. 29/193,748	:	ON PETITION
Filed: November 12, 2003	:	
Attorney Docket No. 14674	:	

This is a decision on the petition under 37 CFR 1.182, filed October 13, 2004, to change the order of the names of the inventors.

The petition is **Granted**.

A corrected Filing Receipt with the desired change accompanies this decision on petition.

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

This application is being referred to Patent Publication.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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RABIN & BERDO PC
1101 14TH STREET NW
SUITE 500
WASHINGTON, DC 20005

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MAY 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D-493,847 :
Issue Date: August 3, 2004 :
Application No. 29/193,762 : NOTICE
Filed: November 14, 2003 :
Attorney Docket No. TAIW 605-122 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3218.

Frances Hicks
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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DIW 07-04

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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JUL 3 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Ronald John Furlong	:	
Application No. 29/193,780	:	DECISION REFUSING STATUS
Filed: 14 November, 2003	:	UNDER 37 CFR 1.47(b)
Attorney Docket No. 3366.01US01	:	

This is in response to the petition filed on 21 June, 2004, under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified design application was filed on 14 November, 2003, without an executed oath or declaration. Accordingly, on 16 January, 2004, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, an executed oath or declaration and a surcharge for their late filing. A two (2) month period for reply was set.

In response, on 21 June, 2004 (certificate of mailing date 16 June, 2004), petitioner filed the present petition, filing fee, surcharge, and a three (3) month extension of time.

Petitioner asserts that the sole inventor, Ronald John Furlong, is deceased, and that his legal representative, his widow, is also now deceased. Petitioner further assert that it has been unable to locate a legal representative for joint inventor Furlong.

37 CFR 1.42 states, in part:

> In the 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.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor, or legal representative, thereof cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The present petition lacks items (1), (2), (5), and (6).

At the outset, petitioner is advised that 37 CFR 1.47 is not considered an alternative to 37 CFR 1.42 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor.[1] 37 CFR 1.42 states that when the inventor is dead, the legal representative may make the necessary oath or declaration. 37 CFR 1.47 will apply when a known legal representative cannot be found or refuses to sign the declaration. In such cases, the last known address of the legal representative must be established before the grant of a patent.[2] When petitioners initially filed this declaration and petition under 37 CFR 1.47(a), perhaps no legal representative Furlong's widow had been named. Presumably in the subsequent time period a legal representative has been named.

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[1] *In re Application Papers Filed September 10, 1954*, 108 USPQ 340 (Comm'r Pat. 1955).

[2] See 37 CFR 1.42.

To establish 37 CFR 1.47 status, petitioner must submit a 37 CFR 1.47 petition on behalf of the legal representative of the deceased inventor.

In regards to item (1), the showing of record, is insufficient to show that a diligent effort was made to locate Furlong's legal representative. Where inability to find or locate a named inventor(s), or legal representative thereof, is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. Petitioner should demonstrate that a thorough inspection of sources including, but not limited to, personnel or payroll records and probate filings. Petitioner should use diligent efforts, such as a national registry or Internet search, to determine the current or last known address of the nearest living relative of the deceased inventor. Copies of the results of the search must be referred to in any renewed petition.[3] Application may be made by the heirs of the inventor, as such, if there is no will or the will did not appoint an executor and the estate was under the sum required by law for the appointment of an administrator.[4] The heirs should identify themselves as the legal representative of the deceased inventor in the oath or declaration submitted pursuant to 37 CFR 1.63 and 1.64.[5]

Additionally, Furlong's legal representative or heirs will have to be proffered the complete application papers (specification, including claims, drawings, if any, and the declaration) for signature.[6] In the event that the legal representative or heirs refuse to sign the declaration, petitioners may provide proof that a copy of the application was sent or given to the legal representative for review by providing, with a renewed petition, a copy of the cover letter transmitting the application papers to the legal representative or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

In the event that Furlong's legal representative refuses in writing to sign the declaration, petitioners should provide a

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[3] See MPEP 409.03(d).

[4] MPEP 409.01(a).

[5] Id.

[6] See also MPEP 409.01(a),(b); 409.03(c).

copy of the written refusal with any renewed petition. If the refusal is made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

In regards to item (2), the oath or declaration must identify the name, residence, mailing address, and citizenship of the legal representative of the deceased inventor, and state that the legal representative is signing on behalf of the deceased joint inventor. The name, citizenship, and most recent residence and mailing address for the deceased joint inventor must also be listed. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64, signed by the Rule 1.47(b) applicant on behalf of the non-signing legal representative or heir of the deceased joint inventor, containing the information described in this paragraph, is required.

In reference to item (4), above, the petition must include the last known address of the legal representative of the deceased joint inventor.

In regards to item (5), petitioner has not established that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application.[7] It is noted that petitioners have provided a declaration signed by Brian Jones, Managing Director of Joint Replacement Instrumentation Limited ("JRI"), the company which Mr. Furlong allegedly founded. Petitioner further states that Mr. Furlong created the design which is the subject of this application for patent during the course of his employment with JRI. In view of the statements in the petition, the relationship between Mr. Furlong and JRI is unclear. Petitioner must explain whether Mr. Furlong owned JRI or was an employee of it, and whether an assignment of rights to the invention was made.

Petitioner may establish proprietary interest by filing a copy of the employment agreement between the non-signing inventors and the Rule 1.47(b) applicant (company); a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 1.47(b) applicant; or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 1.47(b) applicant.

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[7] MPEP 409.03(f).

As to item (6), petitioners must provide a statement that the filing is necessary to prevent irreparable damage or to preserve the rights of the parties.[8]

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petitions
Crystal Plaza 2, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (703)308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[8] MPEP 409.03(g).

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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DIW 11-04

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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NOV 17 2004

OFFICE OF PETITIONS

In re Application of	:	
Ronald John Furlong	:	
Application No. 29/193,780	:	DECISION NOTING JOINDER OF
Filed: 14 November, 2003	:	INVENTOR AND PETITION UNDER
Attorney Docket No. 3366.01US01	:	37 CFR 1.47(b) MOOT

Papers filed on 27 October, 2004, in reply to the "Decision Refusing Status Under 37 CFR 1.47(b)" mailed on 30 July, 2004, included a Declaration signed by the legal representative[1] of deceased inventor Furlong in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is moot; this application does not have any rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(b).

In accepting this petition, the Office is construing the petition to state that R. Vallings is the legal representative of the deceased sole inventor. Petitioners **must** inform the Office if this is an incorrect interpretation.

This application is being referred to Technology Center Art Unit 2913 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See MPEP 409.01(a).

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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DIW Feb-06

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4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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FEB 10 2006

OFFICE OF PETITIONS

In re Application of :
Furlong et al. :
Application No. 29/193,780 : DECISION ON PETITION
Filed: 14 November, 2003 :
Atty Docket No. 3366.91US01 :

This is a decision on the petition filed on 19 December, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 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. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(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 pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application became abandoned on 17 August, 2005, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 16 May, 2005, which set a three (3) month statutory period for reply.

Since this application is revived for purposes of continuity only with the Continued Prosecution Application (CPA) filed on 19 December, 2005, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced CPA.

The terminal disclaimer filed on 19 December, 2005, under 37 CFR 1.137(c) has been entered and made of record. Effective 8 September, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).[2] Accordingly, the period of the terminal disclaimer filed on 19 December, 2005, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, however, the required reply must be the payment of the issue fee or any outstanding balance thereof.[3] Although petitioner has submitted a Continued Prosecution Application (CPA) as the required reply, payment of the issue fee is required and the issue fee cannot be refunded.

As the RCE request filed on 23 May, 2005, is improper, and RCE practice under 37 CFR 1.114 is not available in design applications, the RCE fee paid on 23 May, 2005, will be credited towards the issue fee due. Additionally, as petitioner has provided a general authorization to charge "any … additionally required fees" with the present petition, which was filed after payment of the issue fee, the balance of the issue fee due will be charged to counsel's deposit account, No. 16-0631.[4]

---

[2] 65 Fed. Reg. 54,674 (2000).

[3] See MPEP 711.03(c)(III)(A)(1).

[4] See MPEP 201.06(c).

The application is being referred to Technology Center 2900 for processing of the CPA filed on 19 December, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
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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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/193,781	11/14/2003	2913	170	15178US01	6	1	1

CONFIRMATION NO. 1336

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

CORRECTED FILING RECEIPT

OC000000012050387

Date Mailed: 03/08/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Mike Nipke, Grandville, MI;
Carlos Rodriguez, Hudsonville, MI;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/17/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mohawk charcoal Grill head

Preliminary Class

D07

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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David Chen
St. Onge Steward Johnston & Reens LLC
986 Bedford Street
Stamford, CT 06905-5619

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OCT 0 6 2006

OFFICE OF PETITIONS

In re Application of McClaskie :
Application No. 29/193,807 : Decision on Petition
Filing Date: July 5, 2006 :
Attorney Docket No. 03824-P0147A GSW :

This is a decision on the petition under 37 CFR 1.181, filed July 5, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

A Notice of Allowance was mailed October 19, 2005.

A reply was not matched with the file and the application was considered abandoned as of January 20, 2001.

A Notice of Abandonment was mailed May 1, 2006.

Petitioner has established the issue fee and issue fee transmittal form were submitted on December 22, 2005.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The issue fee was originally submitted via authorization to charge the fee to a credit card. The original authorization cannot be located. The copy of the authorization filed with the petition has the credit card number marked out. Therefore, the issue fee has been charged to petitioner's deposit account.

The Office of Publications will be informed of the instant decision and will take steps to issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven 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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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/193,833	11/14/2003	2913	340	3455-3	3	1	1

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

CONFIRMATION NO. 2795

CORRECTED FILING RECEIPT

OC000000011791658

Date Mailed: 01/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Carl J. Addis, Fort Collins, CO;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/15/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Field dressing knife

Preliminary Class

D08

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2/26/08

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D492337

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** — All changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments:

Images in the printed patent appear to be slightly distorted.

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/193,874	11/14/2003	2913	170	15177US01	4	1	1

CONFIRMATION NO. 1234

CORRECTED FILING RECEIPT

OC000000012059512

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 03/09/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Mike Nipke, Grandville, MI;
Carlos Rodriguez, Hudsonville, MI;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/17/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mohawk table top charcoal grill

Preliminary Class

D07

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/193,879	11/13/2003	2913	470	501606.107635	12	1	1

CONFIRMATION NO. 1220

Pitney, Hardin, Kipp & Szuch LLP
685 Third Avenue
New York, NY 10017-4024

UPDATED FILING RECEIPT

OC000000012770573

Date Mailed: 05/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Yutaka Oe, Tokyo, JAPAN;
Nobuyuki Enomoto, Kamigyo-ku, JAPAN;
Fuuji Asada, Kamigyo-ku, JAPAN;
Shigetaka Kanai, Kamigyo-ku, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/17/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Cell phone

Preliminary Class

D14

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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ALEXANDRIA, VA 22313-1450
www.uspto.gov

JAN 6 2004

GALGANO & BURKE, LLP
300 RABRO DRIVE
SUITE 135
HAUPPAUGE, NY 11788

In re Application of :
Joy Mangano :
Serial No.: 29/193,896 : **REQUEST FOR EXPEDITED**
Filed: November 14, 2003 : **EXAMINATION**
For: Nail Polishing Stand and Storage :
Cabinet (Design) :

This is in response to the Request for expedited examination applicant filed December 22, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/193,908	11/14/2003	2913	170	15176US01	6	1	1

CONFIRMATION NO. 6627

CORRECTED FILING RECEIPT

OC000000011966941

23446
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Date Mailed: 02/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Mike Nipke, Grandville, MI;
Carlos Rodriguez, Hudsonville, MI;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/15/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Mohawk charcoal grill with wheels

Preliminary Class

D07

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.

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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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Alexandria, VA 22313-1450
www.uspto.gov

MAY 27 2004

Stephen R. Greiner, Esquire
GREINER LAW OFFICES, P.C.
Suite 110
6701 Democracy Blvd.
Bethesda MD 20817

In re Application	:	
Horst Riese	:	
Serial No.: 29/193,955	:	DECISION ON PETITION
Filed: November 18, 2003	:	
For: Pipe Fitting	:	

This is in response to applicants' petition filed November 18, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. Box 1450
Alexandria, VA 22313-1450
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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

COPY MAILED

NOV 30 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jean-Louis Desjoyaux et al :
Application No. 29/193,970 :
Filed: November 17, 2003 :
Attorney Docket No. 1759.141 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance and Notice of Allowability mailed December 13, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 15, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee and formal drawings ((PTO-948 enclosed); (2) the petition fee; (3) the required statement of unintentional delay; and (4) the terminal disclaimer (and fee) have been received. Accordingly, the issue/publication fees are accepted as having been unintentional delayed.

The terminal disclaimed filed April 1, 2005 under 37 CFR 1.137(d) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(d)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for the patent was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121 or 365(c), from the date on which the earliest such application was filed. 65 Fed. Reg. 54,674 (2000). Accordingly, the period of the terminal disclaimer filed April

1, 2005 will be equivalent to the lesser of period (1) or (2), as noted above, for this application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions

Enclosure: PTO-948

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

MAR 11 2004

BANNER & WITCOF, LTD.
1001 G. STREET, N.W.
11TH FLOOR
WASHINGTON, D.C. 20001

In re Application of :
Maria Kozo :
Serial No.: 29/194,000 : DECISION ON PETITION
Filed: November 19, 2003 :
For: Portion Of A Shoe Upper :

This is in response to the petition applicant filed on December 18, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAR 1 1 2004

BANNER & WITCOFF. LTD.
1001 G STREET, N.W.
11TH FLOOR
WASHINGTON, DC 2001

In re Application of
Maria Kozo
Serial No.: 29/194,000
Filed: November 19, 2003
For: Portion Of A Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on December 18, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

Copied from 29197000 on 07/09/2004

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

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DEC 0 8 2005

Director's Office
Office of Patent Publication

JOEL D. SKINNER, JR.
SKINNER AND ASSOCIATES
212 COMMERCIAL ST.
HUDSON, WI 54016

In re Application of
CORK, ANNE
Application No. 29/194,014
Filed: November 18, 2003
Attorney Docket No. CORK102USA

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181, received in the United States Patent and Trademark Office (USPTO) on November 17, 2005.

The petition is **DISMISSED.** Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for applicant's failure to timely file corrected drawings as required in the Notice of Allowability mailed January 27, 2005, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed on August 3, 2005.

Petitioner statement of facts include:

item 4. that applicant mailed Corrected formal drawings on February 1, 2005, and enclosing a Return Receipt Postcard which identified the Subject Communication

item 5. The Return Receipt Postcard was not received back

Petitioner has submitted Exhibit A and a Declaration of Joel Skinner, Jr. in support of statement of facts.

In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

MPEP 503 (postcard receipt as prima facie evidence)
Certificate of Mailing under 37 CFR 1.8(b)
"Express Mail" Mailing under 37 CFR 1.10

MPEP 503 states the following:

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

Unfortunately MPEP 503 is not applicable since there is no record of receipt of the Return Receipt Postcard, which if received in the Office would have been stamped (referred to as "Office Date" stamp) acknowledging receipt of the items identified thereon.

Provisions under 37 CFR 1.8(b) requires that the petitioner (1) promptly inform the Office of the previous timely mailing or transmission after becoming aware that the Office has no evidence of receipt of the correspondence, (2) supply copies of the previously mailed correspondence with certificate of mailing thereon, and (3) include a statement which attests to the previous timely mailing.

Petitioner does not satisfy requirement under 37 CFR 1.8(b)(2) in that, the copy of the previously mailed correspondence did not include a certificate of mailing, and therefore, does not receive the benefits of 37 CFR 1.8.

Patent rules under 37 CFR § 1.8 ii states in part: ...The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. *See 37 CFR §1.8 Certificate of mailing or transmission*

37 CFR § 1.10 is not applicable since this procedure was not used.

The holding of abandonment cannot be withdrawn as this time.

Although this petition for withdrawal of the holding of abandonment is being dismissed, other petition remedies are available for bringing about the withdrawal of the holding of abandonment.

File a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). Forms are available at USPTO website http://www.uspto.gov

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidably*** abandoned application must be accompanied by the following:

  (1) The required reply to the outstanding Office action or notice, unless previously filed;
  (2) The petition fee 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 (c) of this section.

- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application must be accompanied by the following:

> (1) The required reply to the outstanding Office action or notice, unless previously filed;
> (2) The petition fee as set forth in § 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 pursuant to this paragraph was unintentional. The Director may require additional information where there is a question whether the delay was unintentional;
> (4) Any terminal disclaimer (and fee as set forth in § 1.20(d) required pursuant to paragraph (c) of this section.

Further correspondence with respect to the petition for revival under 37 CFR 1.137 should be directed to the Office Of Petition at 703-305-9282 or addressed as follows:

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

Telephone inquires concerning this decision may be directed to the undersigned at 703-305-8380.

Thomas E Hawkins

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publication

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

JOEL D. SKINNER, JR.
SKINNER AND ASSOCIATES
212 COMMERCIAL ST.
HUDSON, WI 54016

COPY MAILED
APR 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Anne Cork	:	
Application No. 29/194,014	:	ON PETITION
Filed: November 18, 2003	:	
Attorney Docket Number:	:	
CORK102USA	:	

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed March 6, 2006.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability ("Notice"), mailed January 27, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on April 28, 2005. A Notice of Abandonment was mailed August 3, 2005.

With the instant petition Applicant has submitted corrected drawings in response to the Notice.

This application is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 07 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Steven F. Smith	:	
Serial No.: 29/194,025	:	DECISION ON PETITION
Filed: November 19, 2003	:	
For: Portion Of A Shoe Upper	:	

This is in response to the petition applicant filed on December 18, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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MAR 2 4 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Andre Doxey	:	
Serial No.: 29/194,051	:	DECISION ON PETITION
Filed: November 19, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 19, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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MAY 27 2004

TRASK BRITT, PC
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
Linda Allen	:	
Serial No.: 29/194,115	:	DECISION ON PETITION
Filed: November 19, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 19, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JUN 07 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Eric Avar	:	
Serial No.: 29/194,127	:	DECISION ON PETITION
Filed: November 20, 2003	:	
For: Portion Of A Shoe Upper Containing	:	
Slits Therein	:	

This is in response to the petition applicant filed on January 28, 2004 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 14 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Eric Avar	:	
Serial No.: 29/194,128	:	DECISION ON PETITION
Filed: November 20, 2003	:	
For: Portion Of A Midsole Periphery	:	

This is in response to the petition applicant filed on January 28, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP
1650 ARCH STREET, 22ND FLOOR
PHILADELPHIA PA 19103-2334

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APR 18 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Dayan, Mervin A.	:	
Application No. 29/194,132	:	
Filed: November 19, 2003	:	
Attorney Docket No. ROA007-D13	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 16, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4) the terminal disclaimer. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 2900 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

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APR 08 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
Scot Herbst :
Serial No.: 29/194,140 : DECISION ON PETITION
Filed: November 19, 2003 :
For: Outsole Of A Shoe :

This is in response to the petition applicant filed on November 19, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 29 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Scot Herbst	:	
Serial No.: 29/194,146	:	DECISION ON PETITION
Filed: November 19, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 19, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

6/16/05

In re Application of
Mei-Qin Xu
Serial No.: 29/194,155
Filed: November 17, 2003
Attorney Docket No.: 20041036.DES

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment, which is being treated as a petition under 37 CFR 1.181, filed November 24, 2004, based on having responded to the Office action. The delay in acting upon this petition is regretted.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to respond to the Notice of Allowance mailed May 3, 2004. As no response was received by August 3, 2004, the application was abandoned. This petition followed.

Applicant has stated that a response was timely filed, and has submitted copies of the Issue Fee transmittal and Express Mail Label showing that the response was mailed July 4, 2004. While it is not clear from the Label what was submitted to the Office, there was a record within the Office that the issue fee was received. Therefore, the application will be returned to pending status.

As there are no fees associated with Petitions granted under 37 CFR 1.181, the $685.00 Petition fee and $55.00 Terminal disclaimer fee will be refunded to applicant's Deposit Account 08-1265, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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MEI-QIN XU
58 MA YUAN WEST ST.
TAICHUNG, TAIWAN

6/16/05

In re Application of
Mei-Qin Xu :
Serial No.: 29/194,155 :
Filed: November 17, 2003 : PETITION DECISION
Attorney Docket No.: DUSA031107 :

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed on November 24, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed May 3, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The issue fee was paid July 19, 2004; however, as no formal drawings were received by August 3, 2004, a Notice of Abandonment was mailed to applicant October 13, 2004. Applicant then filed this petition.

Applicant is advised that a search was conducted through applicant's other applications, and the formal drawings could not be found. Therefore, as applicant has not submitted any evidence that the formal drawings were timely submitted and received by the Office, the petition under 37 CFR 1.137(b) is considered appropriate.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived as the petition was filed within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The Terminal Disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 08-1265, as directed.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

O!PE
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PTO/SB/63 (08-03)
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TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)
20041036.DES

In re Application of:

Name: Mei-Qin Xu

Application Number: 29/194,155

Filed: November 17, 2003

For: Handle of a Tool for Removing an Electric Wire Terminal

The owner*, Mei-Qin Xu of 100 percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. ☑ The undersigned is an attorney or agent of record.

Signature — Date: 11-23-04

612-392-7306
Telephone Number

Alan D. Kamrath
Typed or Printed Name

☑ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/30/2004 EFLORES 00000047 29194155

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OFFICE OF PETITIONS

The Hoover Co.
101 E. Maple St.
North Canton, OH 44720

In re Application of :
Parr et al. :
Application No. 29/194195 : ON PETITION
Filing or 371(c) Date: 11/19/2003 :
Attorney Docket Number: :
2684 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), July 19, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed January 22, 2004. The Notice set a two (2) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on March 23, 2004. A Notice of Abandonment was mailed July 7, 2005.

Applicant files the instant petition and a reply to the Notice in response to the Notice. Accordingly, the petition is granted.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being forwarded to the Office of Initial Patent Examination for processing of the reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

CC: MARK L. WEBER
FIRST NATIONAL TOWER, 4th FLOOR
AKRON, OH 44308

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APR 14 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Susan Diane Cessor	:	
Serial No.: 29/194,223	:	DECISION ON PETITION
Filed: November 21, 2003	:	
For: Portion Of A Shoe Upper	:	

This is in response to the petition applicant filed on November 21, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 14 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Tate E. Kuerbis	:	
Serial No.: 29/194,232	:	DECISION ON PETITION
Filed: November 24, 2003	:	
For: Portion Of A Shoe Upper	:	

This is in response to the petition applicant filed on November 24, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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AUG 17 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of :
Robert W. Dolan :
Serial No.: 29/194,233 : DECISION ON PETITION
Filed: November 21, 2003 :
For: Portion Of A Shoe Midsole With :
Internal Channels :

This is in response to the petition applicant filed on November 21, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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BANNER & WITCOF, LTD.
1001 G. STREET, N.W.
11TH FLOOR
WASHINGTON, D.C. 20001

In re Application of
Tate E. Kuerbis
Serial No.: 29/194,235
Filed: November 21, 2003
For: Portion Of A Shoe Outsole

DECISION ON PETITION

This is in response to the petition applicant filed on November 21, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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MAR 2 4 2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of
Jean Francois Fullum
Serial No.: 29/194,236
Filed: November 25, 2003
For: Portion of a Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on November 21, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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6/21/05

CARRIER BLACKMAN & ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

In re Application of
Robert Eastman III
Serial No.: 29/194,293
Filed: November 21, 2003
Attorney Docket No.: EOD-134-D2

: PETITION DECISION

This is a decision on the Petition to Revive under 37 CFR 1.137(b), received March 7, 2005, to revive an unintentionally abandoned application.

The petition is **DISMISSED**.

This application became abandoned for failure to respond to the Notice of Allowance and Issue Fee due, mailed September 20, 2004, which required formal drawings and the issue fee. As no response was received by December 20, 2004, a Notice of Abandonment was mailed February 28, 2005. This petition followed.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicant's petition lacks item (2), in part.

Applicant is advised that the drawings still do not meet the Examiner's requirements, as set forth in the Notice of Allowance. Applicant was required to show shading that adequately represents the transparent nature of applicant's design, which has not been properly executed in the newly submitted drawings. Applicant is advised that oblique line shading should be used, as shown in the enclosed example from the "Guide to Filing Design Patent Applications." Furthermore, all underlying surfaces should be shown in light full lines, and not broken lines which represent unclaimed subject matter. Therefore, corrected formal drawings are still required.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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CARRIER BLACKMAN & ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

9/22/05

In re Application of
Robert Eastman III
Serial No.: 29/194,293
Filed: November 21, 2003
Attorney Docket No.: EOD-134-D2

: PETITION DECISION

This is a decision on the renewed Petition to Revive under 37 CFR 1.137(b), received July 25, 2005, to revive an unintentionally abandoned application.

The petition is **DISMISSED**.

This application became abandoned for failure to respond to the Notice of Allowance and Issue Fee due, mailed September 20, 2004, which required formal drawings and the issue fee. As no response was received by December 20, 2004, a Notice of Abandonment was mailed February 28, 2005. Applicant filed a petition March 7, 2005 which was dismissed, as applicant had not made the required drawing corrections.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Applicant's petition lacks item (2), in part.

Applicant is advised that the drawings still have not been shaded properly, as indicated in the previous petition decision. Applicant was required to show shading that adequately represents the transparent nature of applicant's design, which has not been properly executed in the newly submitted drawings. Applicant is advised that oblique line shading should be used, as shown in the previously enclosed example from the "Guide to Filing Design Patent Applications." These corrections were also explained in a telephone conversation with applicant's representative on August 17, 2005. Formal drawings, preferably from a qualified patent draftsperson, are required.

Any renewed petition in order to be considered timely must be filed within TWO MONTHS of the date of mailing of this decision.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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CARRIER BLACKMAN AND ASSOCIATES
24101 NOVI ROAD
SUITE 100
NOVI, MI 48375

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FEB 15 2006

OFFICE OF PETITIONS

In re Application of :
Robert Eastman III :
Application No. 29/194,293 : ON PETITION
Filed: November 21, 2003 :
Attorney Docket No. EOD-134-D2 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 19, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed September 20, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 21, 2004.

It is noted that petitioner authorized the office to charge the petition and terminal disclaimer fees on March 7, 2005; however the petition and terminal disclaimer fees were not charged. The petition and terminal disclaimer fees will be charged to petitioner's deposit account as authorized.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Formal Drawings; (2) the petition fee of $750; (3) the required statement of unintentional delay have been received; and (4) a terminal disclaimer and disclaimer fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being referred to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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MAR 2 4 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of :
Sean Michael McDowell :
Serial No.: 29/194,306 : DECISION ON PETITION
Filed: November 21, 2003 :
For: Portion of a Shoe Upper :

This is in response to the petition applicant filed on November 21, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Timothy L. Scott
Suite 1100
10333 Richmond
Houston TX 77042

FEB 12 2005

In re Application of
Todd Condiff
Serial No.: 29/194,312
Filed: November 21, 2003
Attorney Docket No.: 2510.000300/TLS

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received November 1, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 4, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by September 7, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

JMStone

Jacqueline Stone
Director, Technology Center 1700/2900

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

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AUG 13 2008

In re Application of	:	
NANIA, et al.	:	
Application No. 29/194,315	:	DECISION ON PETITION
Filed: November 21, 2003	:	Under 37 CFR 1.137(b)
Attorney Docket No. HYP-7	:	

This is a decision in response to the petition, filed July 24, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed April 5, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 6, 2006.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a election; (2) the petition fee of $1500; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(b).

The terminal disclaimer filed July 24, 2007 has been entered and made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

The application file is being referred to Technology Center Art Unit 2912 for consideration of the response filed July 24, 2007

Brian W. Brown
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date : February 7, 2007

Patent No. : D,503,316 S
Inventor(s) : Webb, et al.
Issued : March 29, 2005
Title : **FOOD SERVING APPARATUS**
Docket No. : 57150.109US2

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of 37 CFR 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is denied.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

NEAL, GERBER, & EISENBERG
SUITE 2200
2 NORTH LASALLE STREET
CHICAGO IL 60602

CBN/eme

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NEAL, GERBER & EISENBERG LLP
2 NORTH LaSALLE STREET
SUITE 2200
CHICAGO, IL 60602

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OFFICE OF PETITIONS

In re Patent No. D503,316 :
Issue Date: March 29, 2005 :
Application No. 29/194,358 : DECISION ON PETITION
Filed: November 21, 2003 :
Attorney Docket No. :
57150.109US2

This is a decision on the petition filed April 25, 2005 and resubmitted on March 19, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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DEC 15 2004

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ALAN D KAMRATH, ESQ.
NIKOLAI & MERSEREAU, P.A.
SUITE 820 INTERNATIONAL CENTRE
900 SECOND AVE SOUTH
MINNEAPOLIS, MN 55402

In re Application of	:
Chien-Lien Lin	:
Serial No.: 29/194,361	: PETITION DECISION
Filed: November 24, 2003	:
Attorney Docket No.: 1496-961	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received August 23, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 9, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. As no response had been received by May 10, 2004, a Notice of Abandonment was mailed July 13, 2004; applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The $55.00 Terminal Disclaimer fee will be credited to applicant's Deposit Account 08-1265, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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APR 14 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Sean M. McDowell	:	
Serial No.: 29/194,377	:	DECISION ON PETITION
Filed: November 24, 2003	:	
For: Portion Of A Shoe Outsole	:	

This is in response to the petition applicant filed on November 21, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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JAN 31 2005

THE LAW OFFICE OF ROBERT R. WARD JR.
8170 SW 93RD AVE
MIAMI, FL 33173

In re Application of
Donald B. Mahoney
Serial No.: 29/194,423
Filed: November 25, 2003
Attorney Docket No.:

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted August 21, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 29, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by July 29, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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FEB 10 2004

TRASK BRITT
P.O. box 2550
Salt Lake City, UT 84110-2550

In re Application of
Tae Young Lee
Serial No.: 29/194,496
Filed: November 25, 2003
For: Outsole of a Shoe

DECISION ON PETITION

This is in response to the petition applicant filed on November 25, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 14 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Linda Allen	:	
Serial No.: 29/194,510	:	DECISION ON PETITION
Filed: November 25, 2003	:	
For: Portion Of A Shoe	:	

This is in response to the petition applicant filed on November 25, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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ANDREW D. GATHY
P.O. BOX 351
EAST LYME, CT 06333

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JAN 24 2006

OFFICE OF PETITIONS

In re Application of :
Danny W. Bothe, et al. :
Application No. 29/194,525 : ON PETITION
Filed: November 25, 2003 :
Attorney Docket No. 018695-9179-03 :

This is a decision on the petition, filed November 16, 2005, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is not signed by an attorney or agent of record. It is noted that a Revocation and Substitute Power of Attorney was filed on September 19, 2005; however, the Power of Attorney cannot be accepted because the person signing for the assignee has omitted their empowerment to sign on behalf of the assignee. In accordance with 37 CFR 1.34(a), the signature of Gerald L. Fellows appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Fellows desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The application became abandoned for failure to pay the issue fee on or before February 17, 2005. A Notice of Abandonment was mailed on April 4, 2005. In response, on November 16, 2005, the requisite issue fee, a terminal disclaimer and the present petition were filed.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is GRANTED.

The terminal disclaimer filed November 16, 2005 has been entered and made of record.

The application is being referred to Publishing Division.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GERALD L. FELLOWS
MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202-4108

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
Damon Clegg :
Serial No.: 29/194,526 : DECISION ON PETITION
Filed: November 24, 2003 :
For: Side Element Of A Shoe Upper :

This is in response to the petition applicant filed on November 24, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 14 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Linda Allen	:	
Serial No.: 29/194,537	:	DECISION ON PETITION
Filed: November 24, 2003	:	
For: Side Element Of A Shoe Upper	:	

This is in response to the petition applicant filed on November 24, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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8/16/05

FORD GLOBAL TECHNOLOGIES, LLC
SUITE 600-PARKLANE TOWERS EAST
ONE PARKLANE BLVD.
DEARBORN, MI 48126

In re Application of
J.C. Mays
Serial No.: 29/194,561
Filed: November 26, 2003
Attorney Docket No.: 81092257

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 2, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed January 26, 2005, which set a three-month statutory period to submit the Issue Fee. As no response was received by April 26, 2005, the application was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

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OFFICE OF PETITIONS

In re Application of :
J. C. Mays et al :
Application No. 29/194,562 : DECISION ON PETITION
Filed: November 26, 2003 :
Attorney Docket No. 81092263 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 19, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed June 16, 2005, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 27, 2005. A Notice of Abandonment was mailed on September 6, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and **(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d)**. Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. *See* MPEP 711.03(c)(II)(C). The instant petition lacks item (4).

Since the above-identified application is a design application, 37 CFR 1.137(d) requires a terminal disclaimer dedicating to the public a

terminal part of the term of any patent granted on the application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application. The period to be disclaimed will be a terminal part of the patent to be granted equivalent to the period of abandonment. The period of abandonment will be computed to be the number of months from the date of abandonment to the date of filing a grantable petition. A terminal disclaimer fee of $65 is required. If the terminal disclaimer is signed by an assignee, the assignee must comply with the requirements of 37 CFR 3.73(b).

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

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

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

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OFFICE OF PETITIONS

In re Application of :
J.C. Mays et al. :
Application No. 29/194,562 : DECISION ON PETITION
Filed: November 26, 2003 :
Attorney Docket No. 81092263 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle 1935 Dec. Comm'r Pat. 11 (1935), mailed June 16, 2005, which set a shortened statutory period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on August 17, 2005.

The petition decision mailed November 29, 2007 indicates the petition under 37 CFR 1.137(b) filed September 27, 2007 was dismissed as failing to provide a proper terminal disclaimer.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $ 1,500, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the failure to respond to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed June 16, 2005 is accepted as being unintentionally delayed.

The renewed petition includes a proper terminal disclaimer.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

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

The application file is being referred to Technology Center Art Unit 2916 for consideration of the corrected drawings.

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FORD GLOBAL TECHNOLOGIES, LLC
SUITE 600-PARKLANE TOWERS EAST
ONE PARKLANE BOULEVARD
DEARBORN, MI 48126

COPY MAILED

JUL 19 2006

OFFICE OF PETITIONS

In re Application of :
J. C. Mays et al :
Application No. 29/194,564 : DECISION ON PETITION
Filed: November 26, 2003 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 81092294 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 16, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee and submit corrected formal drawings on or before January 31, 2006, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability mailed October 31, 2005. A Notice of Abandonment was mailed on March 8, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c). The instant petition lacks items (1) and (4).

As to item (1), although the $800 issue fee payment has been received, there is no indication that drawings as required by the Notice of Allowability have been submitted. Accordingly, corrected

drawings as required by the Notice of Allowability are required before revival of this application can be effected.

Additionally, as to item (4) above, 37 CFR 1.137(d) requires the filing of a terminal disclaimer as a condition for reviving a design application. Therefore, item (4) must also be satisfied to effect revival of this application.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be 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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Gigette M. Bejin
300 Town Center Drive
Suite 800 South
Dearborn, MI 48126

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

LARRY W. MILLER
MILLER LAW GROUP PLLC
25 STEVENS AVENUE
WEST LAWN, PA 19609

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MAR 2 6 2007

OFFICE OF PETITIONS

In re Application of :
J. C. Mays et al :
Application No. 29/194,564 : ON PETITION
Filed: November 26, 2003 :
Attorney Docket No. 81092294 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed December 22, 2006, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely pay the issue fee and submit corrected formal drawings on or before January 31, 2006, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability mailed October 31, 2005. A Notice of Abandonment was mailed on March 8, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 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 pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional

information. See MPEP 711.03(c)(II)(C). The instant petition lacks item (4).

The renewed petition is accompanied by (1) an Associate Power of Attorney to the attorneys and agents associated with Customer Number 32,994 signed by Mr. Frank A. MacKenzie, an attorney of record, (2) an extension fee of three months, and (3) a terminal disclaimer signed by Mr. Larry W. Miller, an associate attorney associated with Customer Number 32,994.

The Associate Power of Attorney was filed after June 25, 2004, the effective date of a rule change eliminating the Associate Power of Attorney practice (37 CFR 1.34(b) was eliminated). *See* MPEP § 402.02 and Revision of Power of Attorney and Assignment Practice, 69 Fed. Reg. 29865 (May 26, 2004); 1283 Off. Gaz. 148 (June 22, 2004). Although the paper has been placed in the file, the names of the patent practitioners listed on the Associate Power of Attorney have not been made of record. However, as requested, and since the Associate Power of Attorney was signed by an attorney of record, the correspondence address has been changed to the address noted in the document.

In view of the elimination of the Associate Power of Attorney practice, the terminal disclaimer submitted with the renewed petition is unacceptable, since the terminal disclaimer must be signed by an attorney of record. The terminal disclaimer is further not acceptable since Office assignment records indicate that this application is assigned to "Ford Motor Company" and not Ford Global Technologies, LLC, as indicated on the terminal disclaimer form. Accordingly, the petition cannot be granted until an acceptable terminal disclaimer is received.

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

The centralized facsimile number is **(571) 273-8300.**

Correspondence with respect to this decision on petition may also be filed electronically by EFS.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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LARRY W. MILLER
MILLER LAW GROUP PLLC
25 STEVENS AVENUE
WEST LAWN, PA 19609

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of :
J.C. Mays et al :
Application No. 29/194,564 : DECISION ON PETITION
Filed: November 26, 2003 :
Attorney Docket No. 81092294 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 19, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and submit corrected formal drawings on or before January 31, 2006, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability mailed October 31, 2005. A Notice of Abandonment was mailed on March 8, 2006. Petitions to revive were filed on May 16, 2006 and December 22, 2006 and were dismissed on July 19, 2006 and March 26, 2007, respectively.

Petitioner has satisfied the requirements of 37 CFR 1.137(b) in supplying (1) the reply in the form of the $800 issue fee and replacement drawings, (2) the petition fee of $1,500, (3) a proper statement of unintentional delay, and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(d). Accordingly, the reply to the Notice of October 31, 2005 is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and has been made of record. Any continuing application filed from this application must contain a copy of the terminal disclaimer. The copy of the terminal disclaimer must be filed with a cover letter requesting the terminal disclaimer be recorded on the continuing application. A copy of this decision should be attached to the cover letter.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for further processing in accordance with the decision accepting the unintentionally delayed payment of the issue fee and submission of replacement drawings.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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8/16/05

EDGAR A. ZARINS
MASCO CORPORATION
21001 VAN BORN ROAD
TAYLOR, MI 48180

In re Application of
Michael Clucas
Serial No.: 29/194,574
Filed: November 26, 2003
Attorney Docket No.: 165-3299-D

: PETITION DECISION

This is a decision on applicant's Request for Reinstatement, which is being treated as a Petition to Revive under 37 CFR 1.181 submitted July 11, 2005, due to non-response of office action.

This application became abandoned for failure to respond to the Office action mailed May 28, 2004, which set a three-month shortened statutory period to respond. As no response was received by August 30, 2004, a Notice of Abandonment was mailed June 21, 2005. Applicant then filed this petition.

Applicant has submitted copies of the response with a Certificate of Mailing date of June 30, 2004, which was eventually matched with the application. Therefore, as the response was timely filed, the case will be returned to pending status.

Applicant's petition is **GRANTED.**

The application will be forwarded to the Examiner for evaluation of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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FROSS ZELNICK LEHRMAN & ZISSU, P.C.
ATTN: LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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NOV 06 2006
OFFICE OF PETITIONS

In re Patent No. D502,813 :
Issue Date: March 15, 2005 :
Application No. 29/194,589 : NOTICE
Filed: November 25, 2003 :
Patentee(s): Alvaro Gonzalez :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 18, 2006. 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**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ATTN: LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Patent No. D,503,271 :
Issue Date: March 29, 2005 :
Application No. 29/194,591 : NOTICE
Filed: November 25, 2003 :
Patentee(s): Sandra Choi :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 18, 2006. 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**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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AUG 0 6 2007

OFFICE OF PETITIONS

In re Application of :
Choi :
Application No. 29/194,592 : NOTICE
Filed: November 25, 2003 :
Attorney Docket No. JCHO 0418359 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 18, 2006 (certificate of mailing date August 15, 2006).

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 patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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JUN 29 2004

Peter R. Martinez, Esq.
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
Suite 200
11988 El Camino Real
San Diego CA 92130

In re Application of	:	
Luca Ricci	:	
Serial No.: 29/194,597	:	DECISION ON
Filed: November 25, 2003	:	PETITON TO MAKE SPECIAL
For: Seat	:	

This is in response to applicants' petition filed May 20, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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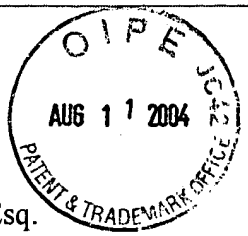
JUN 29 2004



Peter R. Martinez, Esq.
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
Suite 200
11988 El Camino Real
San Diego CA 92130

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JUL 01 2004
TECH & IP DEPT

In re Application of	:	
Luca Ricci	:	
Serial No.: 29/194,597	:	DECISION ON
Filed: November 25, 2003	:	PETITON TO MAKE SPECIAL
For: Seat	:	

This is in response to applicants' petition filed May 20, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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2 1 2005

LAW OFFICE OF RICHARD B. KLAR
28 East Old Country Road
Hicksville NY 11801

In re Application of	
Kevin Martzloff	:
Serial No.: 29/194,623	:
Filed: November 25, 2003	: PETITION DECISION
Attorney Docket No.: 82RK0023D	:
	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) received October 26, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 5, 2004, which set a three-month statutory period to pay the Issue fee. As no response was submitted by August 5, 2004, a Notice of Abandonment was mailed September 29, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 11-1152, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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P.O. BOX 1450
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LAW OFFICE OF RICHARD B. KLAR
28 East Old Country Road
Hicksville NY 11801

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OFFICE OF PETITIONS

In re Patent No. D504464	:	
Issued: April 26, 2004	:	
Application No. 29/194,623	:	NOTICE
Filed: November 25, 2003	:	
Docket No.: 82RK0023D	:	

This is a notice regarding the "Petition under 37 CFR 1.28 C to convert fees previously paid in small entity to large entity payments," filed January 17, 2006.

As set forth at 37 CFR 1.28(c), the deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full. Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby **accepted.**

The change of status to a large entity has been entered and made of record.

This file is being forwarded to the Files Repository.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAY 06 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Tae Yong Lee	:	
Serial No.: 29/194,626	:	DECISION ON PETITION
Filed: November 24, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 25, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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MAR 2 4 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of
Leo S. Chang
Serial No.: 29/194,627
Filed: November 24, 2003
For: Side Element of a Shoe Upper

DECISION ON PETITION

This is in response to the petition applicant filed on November 24, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Attn: Lawrence E. Apolzon
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

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JAN 24 2007

OFFICE OF PETITIONS

In re Patent No. D501,978 :
Issue Date: February 22, 2005 :
Application No. 29/194,668 : NOTICE
Filed: November 26, 2003 :
Attorney Docket No.: JCHO 0416647 // 2122-P01-002 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Attn: Lawrence E. Apolzon
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

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JAN 23 2007

OFFICE OF PETITIONS

In re Patent No. D498,039 :
Issue Date: November 9, 2004 :
Application No. 29/194,669 : NOTICE
Filed: November 26, 2003 :
Attorney Docket No.: JCHO USA PA-0417190 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Attn: Lawrence E. Apolzon
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

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OFFICE OF PETITIONS

In re Patent No. D503,032 :
Issue Date: March 22, 2005 :
Application No. 29/194,670 : NOTICE
Filed: November 26, 2003 :
Attorney Docket No.: JCHO USA PA-0417189 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Attn: Lawrence E. Apolzon
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

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JAN 16 2007

OFFICE OF PETITIONS

In re Patent No. D503,034 :
Issue Date: March 22, 2005 :
Application No. 29/194,675 : NOTICE
Filed: November 26, 2003 :
Attorney Docket No.: JCHO USA PA-0417188 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

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JAN 23 2007

OFFICE OF PETITIONS

In re Patent No. D501,998 :
Issue Date: February 22, 2005 :
Application No. 29/194,676 : NOTICE
Filed: November 26,2003 :
Attorney Docket No.: JCHO 0418362 // 2122-P02-016 :

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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FROSS ZELNICK LEHRMAN & ZISSU, P.C.
ATTN: LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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In re Patent No. D,503,030 :
Issue Date: March 22, 2005 :
Application No. 29/194,684 : NOTICE
Filed: November 26, 2003 :
Patentee(s): Jonathan Kelsey :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 18, 2006. 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**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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ATTN: LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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In re Patent No. D,502,805	:	
Issue Date: March 15, 2005	:	
Application No. 29/194,691	:	NOTICE
Filed: November 26, 2003	:	
Patentee(s): Alvaro Gonzalez	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 18, 2006. 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**. Therefore, status as a small entity has been removed and all future fees paid must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVE. SOUTH
SUITE 820, INTERNATIONAL CENTRE
MINNEAPOLIS, MN 55402

6/24/05

In re Application of
Yao-Chuan Wu
Serial No.: 29/194,716
Filed: November 25, 2003
Attorney Docket No.: DUSA031139

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received May 9, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed November 10, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by February 10, 2005, the application was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $65.00 will be refunded to applicant's Deposit account 08-1265, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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Alexandria, VA 22313-1450
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STEPHEN R. ELLIOTT
SUITE 100
660 GEORGIA AVENUE
CHATTANOOGA, TN 37402

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DEC 0 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Elliott, Stephen R.	:	
Application No. 29/194,732	:	ON PETITION
Filed: December 1, 2003	:	
Title: SOUTHERN NIGHT CEILING	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 25, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed May 4, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 5, 2005. A Notice of Abandonment was mailed on October 14, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(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 pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or *if the application is a design application.*

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

[1] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (4). As stated above, since the instant application is a design application, a terminal disclaimer (along with the $65.00 terminal disclaimer fee) must be submitted. A blank form is enclosed for petitioner's convenience.

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 Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions

Attachment: Terminal Disclaimer form (PTO/SB/62)

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

STEPHEN R. ELLIOTT
SUITE 100
660 GEORGIA AVENUE
CHATTANOOGA, TN 37402

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of	:	
Elliott, Stephen R.	:	
Application No. 29/194,732	:	ON PETITION
Filed: December 1, 2003	:	
Title: Southern Night Ceiling	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 6, 2006, to revive the above-identified application.

The petition is **GRANTED.**

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAWRENCE E. APOLZON
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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JAN 22 2007

OFFICE OF PETITIONS

In re Patent No. D501983 :
Issue Date: February 22, 2005 :
Application No. 29/194,753 : NOTICE
Filed: December 1, 2003 :
Attorney Docket No. JCHO USA PA-0148360

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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Commissioner for Patents
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FROSS ZELNICK LEHRMAN & ZISSU PC
Attn: Lawrence E . Apolzon
866United Nations Plaza
New York NY 10017

In re Application of	:
Choi	: NOTICE
Patent D507395	:
Application No. 29/194,754	:
Filed: December 1, 2003	:
Issued: July 19, 2005	:

This is a notice regarding your request filed on August 18, 2006, for acceptance of a fee deficiency submission under 37 CFR 1.28 (c).

37 CFR 1.28 (c) states: "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby accepted.

The change in status to a from small entity has been entered and made of record. This Notice is not intended to imply that the USPTO conducted any investigation of this matter.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. 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
www.uspto.gov

8/4/05

DINSMORE & SHOHL LLP
ONE DAYTON CENTRE, SUITE 500
DAYTON, OH 45402-2023

In re Application of
Richard E. Riegel
Serial No.: 29/194,766
Filed: December 1, 2003
Attorney Docket No.: AIR 0396
DA/40025.530

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted April 11, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed October 21, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by January 21, 2005, a Notice of Abandonment was mailed March 28, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

APR 11 2005

4-12-05

IFW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Jerry M. Phlippeau et al	)	Group Art Unit 2913
Application No. 29/194,767	)	Examiner: SEIFERT, RALF T.
Filed: December 1, 2003	)	
For: *Lighted Pet Pendant*	)	Peoria, IL 61602-1241
Attorney Docket No. 73003-006	)	April 11, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF INFRINGEMENT
(37 CFR §1.102(d) and MPEP § 708.02 II)

Sir:

Applicant hereby petitions to make this application special because the application is actually infringed. In support of this petition, attached hereto is my statement that alleges the following:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in my opinion, some of the claims are unquestionably infringed; and

(C) That I have made or caused to be made a careful and thorough search of the prior art.

Also attached is the requisite fee of $130.00 in accordance with 37 CFR §1.102(d).

Respectfully submitted,

04/13/2005 BABRAHA1 00000024 29194767
01 FC:1464 130.00 OP

David A. Chambers, Reg. 50,788
HUSCH & EPPENBERGER, LLC
190 Carondelet Plaza, Suite 600
St. Louis, Missouri 63105
309-637-4900

PETITION GRANTED

Richard Crispino
Special Program Examiner
Technology Center 1700

MAY 25 2005

0179786.01

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GOWLING, LAFLEUR HENDERSON LLP
ONE MAIN STREET WEST
HAMILTON ON L8P 4Z5 CA CANADA

8/15/05

In re Application of
Edgar Davis :
Serial No.: 29/194,829 :
Filed: December 3, 2003 : PETITION DECISION
Attorney Docket No.: H310877US :

This is a decision on the Petition under 37 CFR 1.137(a), filed June 28, 2005, to revive the above identified abandoned application based on unavoidable circumstances.

A review of the file history shows that a Notice to File Missing Parts was mailed to applicant February 2, 2004, setting a two-month shortened statutory period to submit a signed oath or declaration and surcharge. Upon failure to respond by April 2, 2004, a Notice of Abandonment was mailed October 12, 2004. This petition followed.

A petition under 37 CFR 1.137(a), as revised December 1, 1997, requires (1) a petition and petition fee of, (2) the proposed response or Issue Fee, (3) a terminal disclaimer and disclaimer fee of $65.00 in any design application, and (4) an adequate showing of the cause of unavoidable delay.

Applicant has documented that a response was not filed timely, due to the firing and hiring of a new administrator. Applicant has shown that this event caused the delay in submitting the response, which led to the application to be abandoned, and it has now been corrected.

Applicants petition under 37 CFR 1.137(a) is **GRANTED**.

The application will be forwarded to an Examiner for initial examination after processing the Missing Parts response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lars Callne
For: Powered Coping Saw
Serial No: 29/194864
Filed: herewith
Group:
Examiner:

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
2-10-05

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL: AGE

Hon. Commissioner for Patents
USPTO

Dear Sir:

I, the inventor of the above-identified Application for Patent, hereby state as follows: I am older than 65 years of age. My date of birth is 08-06-1928.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sincerely,

Lars Callne

Dated: 11-24-03

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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8/4/05

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

In re Application of
Joseph G. Angeletta
Serial No.: 29/194,885
Filed: December 3, 2003
Attorney Docket No.: 14211DABC

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted April 4, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed December 9 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. As no response was received by March 9, 2005, the case was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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WILLIAM S. DORMAN
406 S. BOULDER, SUITE 400
TULSA, OK 74103-3825

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OFFICE OF PETITIONS

In re Application of :
WOODBURY, Steven :
Application No. 29/194,916 : DECISION ON PETITION
Filed: December 3, 2003 :
Attorney Docket No. **W00197/03392** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 19, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely pay the issue and publication fees on or before February 16, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed November 16, 2005. Accordingly, the date of abandonment of this application is February 17, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $400 , (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires 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 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Publishing Division for processing into a patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 24 2004

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ALEXANDRIA, VA 22313-1450
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Robert E. Bushnell
Suite 300
1522 K Street, N.W.,
Washington DC 20005

In re Application of	
Ha-Kyung Song	:
Serial No.: 29/194,934	:
Filed: December 4, 2003	: PETITION DECISION
Attorney Docket No.: P57006DES	:
	:

This is a decision on applicants' Petition under 37 CFR 1.137(b) submitted August 5, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 7, 2004, which set a three-month statutory period to pay the issue fee. As no response was received by July 7, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the notice of abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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SEP 24 2004

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Robert E. Bushnell
Suite 300
1522 K Street, N.W.,
Washington DC 20005

In re Application of
Ha-Kyung Song :
Serial No.: 29/194,934 :
Filed: December 4, 2003 : PETITION DECISION
Attorney Docket No.: P57006DES :
:

This is a decision on applicants' Petition under 37 CFR 1.137(b) submitted August 5, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed April 7, 2004, which set a three-month statutory period to pay the issue fee. As no response was received by July 7, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. Because this petition was filed before the mailing of the notice of abandonment, the requirement for a terminal disclaimer has been waived.

Applicant's petition is **GRANTED.**

The application will be forwarded to Issue Branch to be processed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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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OFFICE OF PETITIONS

NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

In re Patent No. D515243 :
Issued : February 14, 2006 : DECISION ON PETITION
Application No. 29/194,983 :
Filed: December 4, 2003 :
Docket No.: 102792-224 (ANP) :

This is a decision on the petition filed April 3, 2006, which is being treated as a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Inquiries regarding the issuance of a certificate of correction must be directed to the Certificate of Correction Branch at (703) 305-8309.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
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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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

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OFFICE OF PETITIONS

In re Patent No. D509890 S :
Issued: September 20, 2005 :
Application No. 29/195,011 : ON PETITION
Filed: December 4, 2003 :
Docket No. 102792-221 :

This is a decision on the request for certificate of correction of assignee data filed October 20, 2005.

Petitioners request issuance of a certificate of correction of assignee data from "Mario Letterino Tadeu Stavale, Sao Paulo (BR); Nilson Satoshi Arai, Sao Paulo (BR)" to Reckitt Benckiser (Brasil) LTDA," as indicated on the FORM PTO-1050 included herewith.

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 (accompanied by the fee of $100.00 set forth in § 1.20(a)) and the processing fee of $130.00 set forth in § 1.17 (i) of this chapter.

The instant petition has been reviewed and found to comply with the requirements of 37 CFR 3.81(b). According, the instant petition is hereby **GRANTED**.

As petitioners have submitted a $400.00 petition fee in connection with this matter, petitioner is entitled to a refund of the fees paid in excess of the processing fee due, namely, $270.00. Petitioners may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Patent No. D512,181	:	
Issued: 29 November, 2005	:	
Application No. 29/195,013	:	ON PETITION
Filed: 4 December, 2003	:	
Atty Docket No. 1-2792-223	:	

This is a decision in reference to the communication filed on 9 January, 2006, which is being treated as a renewed request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted**.

Petitioners should note that the processing fee for the present request is $130.00, and that the Certificate of Correction fee is $100.00, the balance of the fee paid will be credited to counsel's deposit account.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

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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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE.
18TH FLOOR
NEW YORK, NY 10022

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OFFICE OF PETITIONS

In re Patent No. D508296 :
Issue Date: August 9, 2005 :
Application No. 29/195,015 : ON PETITION
Filed: December 4, 2003 :
Attorney Docket No. 102792-222 :

This is a decision on the petition filed October 28, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of Certificate of Correction.

The petition is granted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] *See* Official Gazette of June 22, 2004.

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Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

AUG 06 2004

Richard C. Litman
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington VA 22215

In re Application of :
Betty Lou Pace Williams :
Serial No.: 29/195,085 :
Filed: December 8, 2003 :
For: Quilting Caddy :

DECISION ON PETITION

This is in response to applicants' petition filed December 8, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter, addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director,
Technology Center 3700/2900

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

C 16

LAW OFFICES OF CLEMENT CHENG
17220 NEWHOPE STREET #127
FOUNTAIN VALLEY CA 92708

In re Application of :
Shun Pui Chiu et al :
Serial No.: 29/195,110 : **REQUEST FOR EXPEDITED**
Filed: December 6, 2003 : **EXAMINATION**
For: Toy Boat :

This is in response to the Request for expedited examination applicant filed December 6, 2003, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. Box 1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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APR 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Masaru Kono :
Application No. 29/195,164 : ON PETITION
Filed: December 9, 2003 :
Attorney Docket No. 0754-0198P :

This is a decision on the petition under 37 CFR 1.313(c)(1-3), filed April 6, 2005, which is being treated under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is hereby withdrawn from issue in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

Petitioner is advised that the issue fee paid on August 31, 2004 in the parent application is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed April 6, 2004.

Telephone inquiries should be directed to the undersigned at (571) 272-3220.

This matter is being referred Technology Center AU 2912 for processing of the CPA.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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Director's Office
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ROCHESTER, NY 14644

In re Application of
JONES, BRENT R, et al. :
Application No. 29/195,183 :
Filed: December 8, 2003 :
Attorney's Docket No. DS/A3400Q2 :

Through inadvertence, a Notice Of Rescinded Abandonment was mailed March 21, 2006. The Notice of Rescinded Abandonment is hereby **VACATED.**

The Petition Under 37 CFR 1.181 To Withdraw Holding of Abandonment, received in the United States Patent and Trademark Office (USPTO) on March 21, 2006 is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The application was held abandoned for applicant's failure to timely pay the issue fee and publication fee as required in the Notice of Allowance and Issue Fee Due mailed September 28, 2005, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed on February 21, 2006.

Investigation of the application file reveals that a Notice of Allowance and Fee(s) Due, Form PTOL – 85 and Part B – Fees(s) Transmittal, Form PTOL 85B, were mailed on December 15, 2004. As required, Part B – Fee(s) Transmittal was timely received on December 23, 2004. As authorized, the issue fee in the amount of $800 was processed (charged to the Deposit Account) on December 27, 2004.

On September 26, 2005 the Office mailed to the applicant the Notice Of Withdrawal From Issue Under 37 CFR 1.313(b), which indicated that the application is withdrawn from issue after payment of the issue fee due to reopening of prosecution. Also, annotated that "If the application is again found allowable, the issue fee paid can be applied toward the new Notice of Allowance and Fee(s) Due upon written request. The request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application."

The applicant was required to return the Form PTOL – 85B, responsive to the new Notice of Allowance and Fee(s) Due, Form PTOL – 85 and Part B – Fees(s) Transmittal, Form PTOL - 85B mailed on September 28, 2005. Failure to submit the new PTOL-85B, Fee(s) Transmittal resulted in the abandonment of the application.

The request to apply the previously paid issue fee to the new Notice of Allowance could have been satisfied by simply completing and returning the new PTOL – 85B, Fee(s) Transmittal form.

Also, Petitioner appears to not have read the bold text in the new Notice of Allowance and Fee(s) Due, which states:

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THE APPLICATION. THE PTOL-85B (0R AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:
Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250.

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of :
Jones, et al. :
Application No. 29/195,183 : ON PETITION
Filed: December 8, 2003 :
Attorney Docket No. DS/A3400Q2 :
For: INK STICK FOR PHASE CHANGE
INK JET PRINTER

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 2006, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioner is advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed September 28, 2005, which set a three month period for reply. This application became abandoned on December 29, 2005. A Notice of Abandonment was mailed on February 21, 2006.

A grantable petition pursuant to 37 CFR 1.137(b) 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 pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

The application became abandoned because petitioners did not return a completed PTOL-85B or an equivalent by December 28, 2005. Petitioners have yet to file a completed PTOL-85B or an equivalent.

Deposit account no. 24-0025 will be charged a $1,500.00 petition to revive fee and a $130.00 statutory disclaimer fee.

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

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

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

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

Telephone inquiries concerning this decision 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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Jones, et al. :
Application No. 29/195,183 :
Filed: December 8, 2003 :
Attorney Docket No. DS/A3400Q2 :
For: INK STICK FOR PHASE CHANGE
INK JET PRINTER

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed March 30, 2007, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice of Allowance and Fee(s) Due, mailed September 28, 2005, which set a three month period for reply. This application became abandoned on December 29, 2005. A Notice of Abandonment was mailed on February 21, 2006.

Applicants have submitted a proper reply in the form of the issue fee and a completed PTOL-85, an acceptable statement of the unintentional nature of the delay in responding to the September 28, 2005 Notice of Allowance and Fee(s) Due, the petition fee, and a terminal disclaimer.

The petition is **granted**.

This application is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-20-06

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: D506778

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Drawings (should 3+5 be entered? Thanks — Eva James

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

Upon payment of the fee set forth in section 1.20 (a) the Certificate of Correction will be granted.

SPE — 2914 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D506,778 S

DATED : 6/28/2005

INVENTOR(S) : Brent R. Jones et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Figures 3 and 5 should appear as follows:

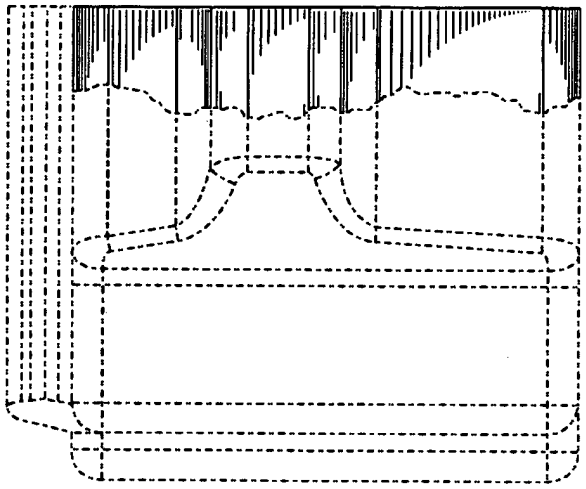

FIG. 3

MAILING ADDRESS OF SENDER:

PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVE. S., XEROX SQ. 20TH FLOOR
ROCHESTER, NEW YORK 14644

CUSTOMER NO.: 25453

PATENT NO. D506,778

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PTO/SB/44 (04/04)

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D506,778 S

DATED : 6/28/2005

INVENTOR(S) : Brent R. Jones et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Figures 3 and 5 should appear as follows:

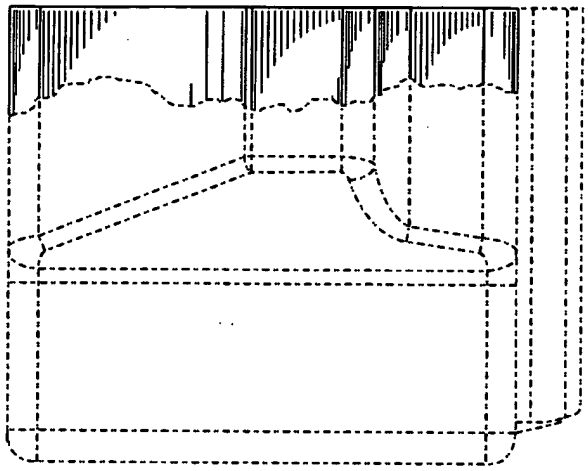

FIG. 5

MAILING ADDRESS OF SENDER:

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ROCHESTER, NEW YORK 14644

CUSTOMER NO.: 25453

PATENT NO. D506,778

No. of additional copies

PTO/SB/44 (04/04)

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-8-05

TO SPE OF : ART UNIT 2914.

SUBJECT : Request for Certificate of Correction on Patent No.: D505974

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
Palm location 7580 - Tel. No. 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Monyna
Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☑ Approved — All changes apply.
- ☐ Approved in Part — Specify below which changes do not apply.
- ☐ Denied — State the reasons for denial below.

Comments:

Upon payment of the fee set forth in section 1.20(a), the certificate of correction will be granted.

David Bagley
SPE

2914
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Offi

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Commissioner for Patents
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NORRIS, MCLAUGHLIN & MARCUS
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NEW YORK, NY 10022

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OFFICE OF PETITIONS

In re Patent No. D509891 :
Issue Date: September 20, 2005 :
Application No. 29/195,281 : ON PETITION
Filed: December 9, 2003 :
Attorney Docket No. 102792-231 :

This is a decision on the petition filed October 20, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of Certificate of Correction.

The petition is granted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

The file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] *See* Official Gazette of June 22, 2004.

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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Paper No.

TAI-SAM CHOO
6103 BRIARWOOD COURT
MIDLAND, MI 48640-1970

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OFFICE OF PETITIONS

In re Application of	:	
Myunghan Ko	:	DECISION ON
Application No. 29/195,308	:	PETITION
Filed: December 10, 2003	:	
Title: AIR DIFFUSER WITH MULTIPLE LAYER DISK	:	

This is a decision on the petition filed September 29, 2005, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date, March 17, 2005, of the Notice of Allowance. No extensions of time are permitted for submitting issue fees. A Notice of Abandonment was mailed on August 22, 2005.

Preliminarily, it is noted that petitioner sets forth evidence of an attempt to file the issue fee by DHL on June 11, 2005. However, it is undisputed that the reply was not received in the Office. In regard to the alleged refusal to accept the DHL package, petitioner is reminded of the following mailing notice (MAILING AND HAND CARRY ADDRESES FOR MAIL TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, 1290 OG 1251 (January 25, 2005)):

> Except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:
>
> United States Patent and Trademark Office
> Customer Service Window, Mail Stop _____
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Whereas, petitioner argues that attempts to deliver by DHL to a P.O. Box, and the above-address, were made. A showing of such unsuccessful attempts to an incorrect address support a conclusion that the abandonment was unintentional, but do not amount to a basis for withdrawing the holding of abandonment.

As to the merits of the 1.137(b) petition, the provisions of 37 C.F.R. § 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent. A petition filed pursuant to 37 C.F.R. §1.137(b) 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(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 pursuant to this paragraph was unintentional. The Director 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 (d) of this section.

The petition includes the required reply in the form of payment of the issue fee, payment of the petition fee, and the required statement of unintentional delay.

The instant petition does not satisfy requirement (4) above. A terminal disclaimer and fee were submitted with the instant petition. However, the terminal disclaimer is not properly completed. Neither the owner nor the percentage of ownership is denoted.

A properly completed terminal disclaimer is required.

Receipt of the REQUEST FOR NEW REPRESENTATION AND CHANGE OF CORRESPONDENCE ADDRESS is acknowledged and made of record.

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

TAI-SAM CHOO
6103 BRIARWOOD COURT
MIDLAND, MI 48640-1970

COPY MAILED

FEB 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Myunghan Ko	:	DECISION ON
Application No. 29/195,308	:	PETITION
Filed: December 10, 2003	:	
Title: AIR DIFFUSER WITH MULTIPLE LAYER DISK	:	

This is a decision on the renewed petition filed January 19, 2005, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified design application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the required issue fee within the statutory period of three months from the mailing date, March 17, 2005, of the Notice of Allowance. No extensions of time are permitted for submitting issue fees. A Notice of Abandonment was mailed on August 22, 2005.

The initial petition filed September 29, 2005, included the required reply in the form of payment of the issue fee, payment of the petition fee, and the required statement of unintentional delay. The petition also included a terminal disclaimer (and fee). However, the petition was dismissed because the terminal disclaimer was not properly completed.

On instant renewed petition, petitioner submitted a properly completed terminal disclaimer.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Publishing Division for processing into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH T. GUY
NEXSEN PRUET JACOBS & POLLARD, LLC
P. O. BOX 10107
GREENVILLE, SC 29603

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of :
Carlos R. Schoolcraft et al :
Application No. 29/195,364 : DECISION ON PETITION
Filed: December 10, 2003 : UNDER 37 CFR 1.183
Attorney Docket No. 25454-17 :

This is a decision on the petition under 37 CFR 1.47, filed January 16, 2007, which, for the reason stated below, is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a) to accept a supplemental oath or declaration executed by less than all the named inventors.

The petition is **dismissed**.

The record discloses that a supplemental oath or declaration was required by the Notice of Allowability mailed November 9, 2006, since the originally submitted declaration did not include a proper statement under 37 CFR 1.56(a).

A petition under 37 CFR 1.47 is appropriate only where one or more of the inventors has not executed the original oath or declaration. Therefore, a petition under 37 CFR 1.47 is not the appropriate avenue of relief in this application since all of the named inventors executed the original oath or declaration. Note MPEP Section 603, which states, in part:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183.

Accordingly, as this is more properly a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a), the petition has been so treated.

In reply to the Notice of November 9, 2006, petitioner submitted the present petition and a supplemental Declaration and Power of Attorney for a design patent application signed by only two of the three named inventors. Petitioner states that, despite diligent efforts, he was unable to either locate or contact co-inventor Mr. Carlos Schoolcraft. Evidence in support of the attempts to locate co-inventor Schoolcraft accompany the petition.

Under the circumstances of this case, justice would be served by suspending the requirements of 37 CFR 1.67(a). Accordingly, the declaration executed by less than all the named inventors filed on January 16, 2007 is accepted as a proper declaration under 37 CFR 1.67(a).

A petition under 37 CFR 1.183 requires a fee of $400. The fee submitted with the petition was insufficient by $200. Accordingly, as authorized, the balance due of $200 will be charged to petitioner's deposit account.

Inquiries specific to this decision should be directed to the undersigned at (571) 272-3218.

This application will be referred to Publishing Division for appropriate processing in accordance with this decision.

Frances Hicks
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

JOSEPH T. GUY
NEXSEN PRUET JACOBS & POLLARD, LLC
P. O. BOX 10107
GREENVILLE, SC 29603

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JUL 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Carlos R. Schoolcraft et al	:	CORRECTED
Application No. 29/195,364	:	DECISION ON PETITION
Filed: December 10, 2003	:	UNDER 37 CFR 1.183
Attorney Docket No. 25454-17	:	

This is a CORRECTED decision on the petition under 37 CFR 1.47, filed January 16, 2007, which, for the reason stated below, is being treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a) to accept a supplemental oath or declaration executed by less than all the named inventors. The decision mailed on July 11, 2007 is vacated in favor of this decision on petition.

The petition is **granted**.

The record discloses that a supplemental oath or declaration was required by the Notice of Allowability mailed November 9, 2006, since the originally submitted declaration did not include a proper statement under 37 CFR 1.56(a).

A petition under 37 CFR 1.47 is appropriate only where one or more of the inventors has not executed the original oath or declaration. Therefore, a petition under 37 CFR 1.47 is not the appropriate avenue of relief in this application since all of the named inventors executed the original oath or declaration. Note MPEP Section 603, which states, in part:

> When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183.

Accordingly, as this is more properly a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a), the petition has been so treated.

In reply to the Notice of November 9, 2006, petitioner submitted the present petition and a supplemental Declaration and Power of Attorney for a design patent application signed by only two of the three named inventors. Petitioner states that, despite diligent efforts, he was unable to either locate or contact co-inventor Mr. Carlos Schoolcraft. Evidence in support of the attempts to locate co-inventor Schoolcraft accompany the petition.

Under the circumstances of this case, justice would be served by suspending the requirements of 37 CFR 1.67(a). Accordingly, the declaration executed by less than all the named inventors filed on January 16, 2007 is accepted as a proper declaration under 37 CFR 1.67(a).

A petition under 37 CFR 1.183 requires a fee of $400. The fee submitted with the petition was insufficient by $200. Accordingly, as authorized, the balance due of $200 will be charged to petitioner's deposit account.

Inquiries specific to this decision should be directed to the undersigned at (571) 272-3218.

This application will be referred to Publishing Division for appropriate processing in accordance with this decision.

Frances Hicks
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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AUG 04 2004

THOMAS W. EPTING
LEATHERWOOD WALKER TODD & MANN, P.C.
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE SC 29601

In re Application of	:	
Alfred C. Roth	:	
Serial No.: 29/195,370	:	DECISION ON PETITION
Filed: December 10, 2003	:	
For: Arm Rest	:	

This is in response to applicants' petition filed April 20, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. Therefore the petition is **GRANTED.**

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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5/6/05

ALLAN M. SHAPIRO
SUITE 202
18401 BURBANK BLVD.
TARZANA CA 91356-2824

In re Application of
Edward P. Dennis
Serial No.: 29/195,384
Filed: December 11, 2003
Attorney Docket No.:

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted February 16, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed March 9, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. As no response was received by June 9, 2004, a Notice of Abandonment was mailed August 4, 2004. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/195,397	12/11/2003	2913	340	9342-143DS	2	1	1

CONFIRMATION NO. 8170

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

CORRECTED FILING RECEIPT

OC000000012094629

Date Mailed: 03/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Joe Wada, Malmo, SWEDEN;

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 000042627 06/18/2003

If Required, Foreign Filing License Granted: 02/12/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Mobile phone

Preliminary Class

D14

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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SACHNOFF & WEAVER, LTD.
30 SOUTH WACKER DRIVE
29TH FLOOR
CHICAGO IL 60606

In re Application of
Chi-Hsiang Wang
Serial No.: 29/195,417
Filed: December 11, 2003
Attorney Docket No.: 208830.0004

: PETITION DECISION

This is a decision on applicant's Petition under 37 CFR 1.137(b) received October 20, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed May 21, 2004, which set a three-month statutory period to pay the Issue fee and submit formal drawings. As no response was submitted by August 23, 2004, a Notice of Abandonment was mailed September 29, 2004. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The terminal disclaimer fee of $55.00 will be refunded to applicant's Deposit Account 19-0011, as directed.

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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FEB 12 2009

OFFICE OF PETITIONS

DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

In re Patent No. D509,284 :
Issue Date: September 6, 2005 :
Application No. 29/195,432 : ON PETITION
Filed: December 12, 2003 :
Docket No. 3201-367 (D4700-00381) :

This is a decision on the petition under 1.182, filed November 19, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The file record discloses that the instant application matured into U.S. Patent No. D509,284 on September 6, 2005. However, petitioner contends that the patent was never received. Petitioner requests a duplicate Letters Patent and that the petition fee not be required.

Since it is U.S. Patent and Trademark Office (USPTO) practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this application, are timely delivered to the addressee.

The Office follows the guidelines set forth in MPEP § 711.03(c) (*see also* "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of an Office action (in this case, the Letters Patent), there is a strong presumption that the Office action (Letters Patent) was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Letters Patent was not in fact received. In this regard, the showing required to establish the failure to receive the Letters Patent must consist of the following:

1. a statement from practitioner stating that the Letters Patent was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received; and

3. a copy of the docket record where the nonreceived Letters Patent would have been entered had it been received must be attached to and referenced in the practitioner's statement.

No supportive evidence was submitted, except counsel's statement. Consequently, the loss of the Letters Patent has not been determined to be the fault of the USPTO.

The $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account, as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Niomi Farmer in the Office of Data Management at (703) 308-9250, Ext. 129.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, South Tower, 8th Floor, Room C23 (Fax No. (571) 270-9753

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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DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

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MAR 2 2 2007

OFFICE OF PETITIONS

In re Patent No. D509,285 :
Issue Date: September 6, 2005 :
Application No. 29/195,435 : ON PETITION
Filed: December 11, 2003 :
Patentee(s): Joachim Blattner et al :

This is a decision on the petition filed November 10, 2006, which is being treated under 37 CFR 1.182, requesting issuance of duplicate Letters Patent for the above-identified application.

The petition is granted.

The Publishing Division is directed to issue duplicate Letters Patent.

Additionally, a review of the Office record indicates no irregularity[1] in the mailing of the Letters Patent on September 6, 2005. Therefore, the request to have the petition fee waived of $400 is not in order at this time.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 308-9250 x 139.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8C32 (Fax 571-273-9756)

[1]The patent grant mailed September 6, 2005 for the above application was not returned to the USPTO as undelievered.

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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KODA & ANDROLIA
2029 CENTURY PARK EAST
SUITE 1140
LOS ANGELES CA 90067-2912

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JUL 10 2007

OFFICE OF PETITIONS

In re Application of
Groten
Application No. 29/195,437
Filed: December 11, 2003
Docket No.: 890J404

: ON PETITION

This is a decision on the petition under 37 CFR 1.314, filed April 9, 2007, which is being treated as a petition to defer issuance of the patent for one month.

The petition is GRANTED

Since the requested deferral period has now passed, this application will be referred to Publishing Division to be processed into a patent.

If an additional deferral period is required, another petition and fee should be promptly submitted. The petition must include a showing of extraordinary circumstances. See MPEP 1306.01.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090610

DATE : June 10, 2009

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D549,068

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ROBERT M SPEAR/
Supervisory Patent Examiner.Art Unit 2915

UNITED STATES PATENT AND TRADEMARK OFFICE

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QUINN EMANUEL
KODA & ANDROLIA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES CA 90017

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FEB 25 2008

OFFICE OF PETITIONS

In re Application of :
Bernard Groten :
Application No. 29/195,438 : DECISION ON PETITION
Filed: 12/11/2003 :
Attorney Docket No. 890J 403 :

This is a decision on the petition under 37 CFR 1.314, filed August 16, 2007, to defer issuance of the patent.

The petition is **GRANTED to the extent indicated below**.

With the present petition, applicant paid the issue fee and the petition fee. Applicant explains:

> The above-identified application claims the convention priority pursuant to 35 USC 119 based upon the European Design Patent Application No. 000041009 of June 12, 2003. Though the Notice of Allowance was issued on May 11, 2007 and the issue fee is thus due on August 13, 2007, the priority document has not been issued yet by the European Patent Office. Applicant will submit the priority document as soon as it is issued; and Applicant wishes to secure some time before submitting the priority document.
>
> In view of the above, Applicant hereby petitions that issue of the patent to the above-identified application be deferred until the priority document is filed in the U.S. Patent Office. It is expected that the priority document will be filed soon after the payment of the issue fee, which is made along with this Petition.

Pursuant to MPEP 1306.01,

> There is a public policy that the patent will issue in regular course once the issue fee is timely paid. 37 CFR 1.314. It has been the policy of the U.S. Patent and Trademark Office to defer issuance of a patent, upon request, for a period of up

> to 1 month only, in the absence of extraordinary circumstances or requirement of the regulations (e.g., 37 CFR 1.177) which would dictate a longer period. Situations like negotiation of licenses, time for filing in foreign countries, collection of data for filing a continuation-in-part application, or a desire for simultaneous issuance of related applications are not considered to amount to extraordinary circumstances.

As applicant filed the present petition on August 16, 2007, the deferral period of one month has now passed. Applicant has not provided any extraordinary circumstance or requirement of regulations, which would dictate a longer period of deferral. Furthermore, the issuance of a patent has already been deferred for a period of approximately six months.

This application is being referred to the Office of Patent Publications for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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KODA & ANDROLIA
865 S. FIGUEROA STREET, 10TH FLOOR
LOS ANGELES CA 90017

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APR 2 2 2008

OFFICE OF PETITIONS

In re Application of :
GROTEN, BERNARD :
Application No. 29/195,438 : DECISION ON PETITION
Filed: December 11, 2003 :
Attorney Docket No. 890J 403 :

This is a decision on the petition under 37 CFR 1.55(a)(2), filed March 4, 2008, for entry of priority papers submitted after the date the issue fee was paid.

The petition is **GRANTED**.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d).

The priority papers are accepted as timely filed and have been placed of record in the file.

Petitioner is advised that the rule affecting the submission of a claim for priority or a certified priority document under 37 CFR 1.55(a) was changed effective November 7, 2000. In effect, the Office will permit applicants to file a priority claim or certified priority document with the processing fee set forth in 37 CFR 1.17(i) between the date the issue fee is paid and the date a patent is issued. The Office will, however, merely place such submission in the application file but will not attempt to determine whether the applicant has met the conditions of 35 U.S.C. § 119(a)-(d) to make the priority claim nor include the priority information in the text of the patent. In such a situation, the patent will not contain the priority claim information. The patentee may request a certificate of correction and a determination of entitlement for such priority will be made after the patent is granted. See Federal Register Vol. 65, No. 175, September 8, 2000, page 54622.

Since this matter is presently before the deciding official in the Office of Petitions, action on the petition under 37 CFR 1.55(a)(2) has been undertaken. However, if the printing of the patent has progressed to the point where the priority data cannot be included on the printed patent,

petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323 and pay the required fee of $100.00.

Any questions concerning this decision should be directed to the undersigned at (571) 272-3211. Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificate of Corrections Branch at (571) 272-4200.

The file is being directed to the Office of Data Management for processing into a patent.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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NOV 17 2004

CHARLES N. QUINN
FOX ROTHSCHILD LLP
2000 MARKET STREET, 10TH FLOOR
PHILADELPHIA PA 19103

In re Application of	:	
Juhng et al	:	
Serial No.: 29/195,445	:	DECISION ON PETITION
Filed: December 10, 2003	:	
For: Brush Cap	:	

This is in response to applicants' petition filed September 20, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle
Director
Technology Center 3700/2900

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P.O. Box 1450
Alexandria, VA 22313-1450
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MICHAEL E. ZALL
TWO YORKSHIRE DRIVE
SUFFERNS, NY 10901

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NOV 07 2007

OFFICE OF PETITIONS

In re Patent No. D495,860
Issue Date: September 14, 2004
Application No. 29/195,460
Filed: December 12, 2003
FOR: SHOE OUTSOLE

ON PETITION

This is a decision on the request filed August 2, 2006, and again on January 5, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to include the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

It is noted that a Certificate of Correction with the desired assignee's name was issued on October 2, 2007, prior to granting of the present petition. Nevertheless, the issuance of the Certificate of Correction on October 2, 2007 is deemed proper in view of this decision granting the petition.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BURNS DOANE SWECKER & MATHIS LLP
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

8/15/05

In re Application of
Patrice Bonhomme et al.
Serial No.: 29/195,469
Filed: December 12, 2003
Attorney Docket No.: 033818-028

: PETITION DECISION

This is in response to applicant's Request for Acceptance of Issue Fee, which is being treated as a Petition to Withdraw Abandonment under 37 CFR 1.181, received February 3, 2005, based on having received the Office action timely.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to respond to the Notice of Allowance and Issue fee due mailed May 27, 2004, giving applicant three months to submit the Issue fee. As no response was received by August 27, 2004, the application was abandoned; this petition followed.

The Notice was received by the Patent Office on June 14, 2004, after the United States Postal Service (USPS) stated that the response was undeliverable. The Patent Office remailed the Notice, but did not restart nor make of record when the Notice was submitted to the USPS. Applicant submitted records that the Notice was not timely received, and was in fact received well after the due date, on February 1, 2005. Therefore, as applicant did not receive the Notice timely, the application will be returned to pending status.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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www.uspto.gov

FEB 25 2004

James C. Brown
2121 Skyhawk Drive
Fort Wayne IN 46815

In re Application of :
James C. Brown :
Serial No.: 29/195,515 :
Filed: December 12, 2003 : DECISION ON PETITION
For: HOLLOW RECTANGULAR :
TRAFFIC BARRICADE FOR SAFETY :
CABLE CONNECTION :

This is in response to applicants' Petition filed December 12, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on prospective manufacture.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle, by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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MAR 25 2004

Charles H. Helein
The Helein Law Group
Suite 700
8180 Greensboro Drive
McLean VA 22102

In re Application of :
Ben Lowinger :
Serial No.: 29/199,403 : **REQUEST FOR EXPEDITED**
Filed: February 18, 2004 : **EXAMINATION**
For: WRISTLINX X33X TWO-WAY :
RADIO WRIST WATCH DEVICE :

This is in response to the Request for expedited examination applicant filed February 18, 2004, to expedite the above-identified application under the provisions of 37 CFR 1.155.

Applicant has satisfied the provisions set forth in 37 CFR 1.155, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703)308-0873 or by facsimile transmission at (703)308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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RABIN & BERDO, P.C.
1101 14TH STREET
SUITE 500
WASHINGTON, DC 20005

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SEP 0 1 2005

OFFICE OF PETITIONS

In re Patent No. D499,301	:	
Issued: December 7, 2004	:	
Application No. 29/195,535	:	ON PETITION
Filed: December 9, 2003	:	
Attorney Docket No. GIA 226-1	:	

This is a decision on the petition under 37 CFR 1.182, filed August 4, 2005, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to Paralegal Liana Chase at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Krystal Paige at (703) 305-9250.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Krystal Paige, P/OPPD, South Tower 8C32 (FAX 703-746-4642)

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8/4/05

HENKEL CORPORATION
THE TRIAD, SUITE 200
2200 RENAISSANCE BLVD.
GULPH MILLS, PA 19406

In re Application of
Andreas Meyer
Serial No.: 29/195,570
Filed: December 11, 2003
Attorney Docket No.: G 0650A USD

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), submitted April 20, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Office action mailed July 2, 2004, which set a two-month shortened statutory period to respond. As no response was received by September 2, 2004, a Notice of Abandonment was mailed January 31, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

Applicant's petition is **GRANTED**.

The terminal disclaimer fee of $130.00 and the Petition fee of $1500.00 will be charged to applicant's Deposit Account 01-1250, as directed.

The application will be forwarded to the Examiner for consideration of applicant's response in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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KOCH LAW OFFICE
MARK A. KOCH
866 MAIN STREET EAST
HAMILTON ON L8M 1L9 CA CANADA

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SEP 2 8 2006

OFFICE OF PETITIONS

In re Application of

Anton Van Es

Application No. 29/195,659

Filed: December 17, 2003

Attorney Docket No. 680p2

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed July 3, 2006, and in duplicate on August 3, 2006.

The petition is **granted**.

This application was held abandoned November 7, 2005, after no reply was received to the election/restriction requirement mailed October 6, 2005. The notice set forth a shortened statutory period of reply of one month from its mailing date. No response was received within the allowable period and the application became abandoned on November 7, 2005. A Notice of Abandonment was mailed June 13, 2006. The instant petition was first filed on July 3, 2006. Petitioner maintains that the notice of October 6, 2005, was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2900, GAU 2913 for further processing that may include remailing the election/restriction requirement and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Patent No. D510033 :
Issued: September 27, 2005 :
Application No. 29/195,730 : ON PETITION
Filed: December 16, 2003 :
Attorney Docket Number: 102792-230 :

This is a decision on the petition, filed October 19, 2005, under 37 CFR 1.183 to correct the assignee's name on the front of the Patent. The petition is treated under 37 CFR 3.81(b)[1]

The petition is **GRANTED**.

Petitioner states that the assignee's name is RECKITT BENCKISER (UK) LIMITED, and that the failure to include the correct assignee's name on the Fee(s) Transmittal form PTOL-85(b) was inadvertent. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that RECKITT BENCKISER (UK) LIMITED is the assignee of record. Accordingly, as the request complies with the

---

[1] *See* Official Gazette of June 22, 2004

provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/22/07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/195746** Patent No.: **D513941**

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 183

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

_____ **SPE**

2918 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070823

DATE : August 23, 2007

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction on Patent No.: D513941 [29/195746

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance — **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** — All changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments:

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

2916

SPE: Ian Simmons — Art Unit 2916

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United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/195,763	12/16/2003	2912	170	WORTH	5	1	1

CONFIRMATION NO. 7186

007723
PHILIP L BATEMAN
P O BOX 1105
DECATUR, IL 62525

CORRECTED FILING RECEIPT

OC000000012620403

Date Mailed: 05/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Monica R. Worth, Springfield, IL;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/18/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Washers game

Preliminary Class

D21

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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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- ARRIVAL AT UNIT, December 18, 2003, 8:48 am, DULLES, VA 20102
- ENROUTE, December 17, 2003, 1:39 am, PEORIA, IL 61601
- ENROUTE, December 16, 2003, 6:43 pm, SPRINGFIELD, IL 62703
- ACCEPTANCE, December 16, 2003, 3:46 pm, DECATUR, IL 62523

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APR 14 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Aaron A.C. Cooper	:	
Serial No.: 29/195,802	:	DECISION ON PETITION
Filed: December 18, 2003	:	
For: Portion Of A Shoe Upper	:	

This is in response to the petition applicant filed on December 18, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:05232005

DATE : May 23, 2005

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D501130

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Replace all printed drawing figures in the design patent with the drawing figures (total 7 figures) as requested in the certificate of correction, filed 2/3/2005.

SPE: Stella Reid **Art Unit** 2912

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APR 22 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of :
Mathew Jason Holmes :
Serial No.: 29/195,880 : DECISION ON PETITION
Filed: December 19, 2003 :
For: Portion Of A Shoe Upper :

This is in response to the petition applicant filed on January 22, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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APR 22 2004

BANNER & WITCOFF, LTD.
Eleventh Floor
1001 G Street, N.W.
Washington, D.C. 20001-4597

In re Application of	:	
Eric Avar	:	
Serial No.: 29/195,882	:	DECISION ON PETITION
Filed: December 19, 2003	:	
For: Portion Of A Shoe Upper	:	

This is in response to the petition applicant filed on January 30, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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1725 K STREET, NW
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WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of
Kazuma Sugama
Application No. 29/195,907
Filed: December 19, 2003
Title of Invention: Glass Ball Ornament

ON PETITION

This is a decision on the petition filed October 27, 2005, under 37 CFR 1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee , as required by the Notice of Allowance and Fee (s) Due which was mailed April 20, 2005. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on July 21, 2005. This decision precedes the mailing of a Notice of Abandonment.

The requirements for a grantable petition under 37 CFR 1.137(b) have been met. This petition is hereby **Granted**.

The Office is in receipt of the terminal disclaimer.

The power of attorney and change of correspondence address has been entered and made of record.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
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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8/4/05

PATENT ADMINSTRATOR
KATTAN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

In re Application of
Allan Safran
Serial No.: 29/195,973
Filed: January 5, 2004
Attorney Docket No.: 215559-00201

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, received March 3, 2005, based on having responded to the Office action.

This petition is **GRANTED.**

This application was held abandoned based on applicant's failure to respond to the Notice of Drawing Inconsistency with Specification mailed October 19, 2004, giving applicant one month to submit a description for Figure 4. As no response was received by November 19, 2004, a Notice of Abandonment was mailed January 3, 2005; this petition followed.

However, a response was filed October 26, 2004, which included a copy of the previously amended specification. This specification, which was referred to by the Examiner in the Notice of Allowance, was inexplicably not part of the application once the Office turned the application into an electronic file wrapper; hence the confusion. As the specification submitted October 26, 2004 is correct, and was submitted timely in response to the Notice, the case was abandoned in error.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622 or by facsimile transmission at (571) 273-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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Alexandria, VA 22313-1450
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DAVID O'REILLY
SUITE 200
1800 BRIDGEGATE STREET
WEST LAKE VILLAGE, CA 91361

6/21/05

In re Application of
Michael J. O'Connor
Serial No.: 29/195,996
Filed: December 19, 2003
Attorney Docket No.: R04-10-4055

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received May 6, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed October 5, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was received December 6, 2004; however, as no formal drawings were submitted by January 5, 2005, a Notice of Abandonment was mailed April 18, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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LEON I. EDELSON, ESQ
LEVENFELD PEARLSTEIN
P.O. BOX 0212
CHICAGO, IL 60690-0212

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OFFICE OF PETITIONS

In re Application of :
Pei-Ying Lin :
Application No. 29/195,998 : ON PETITION
Filed: December 18, 2003 :
Attorney Docket No. 14118 B :

This is a decision on the petition under 37 CFR 1.137(b), filed November 11, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed August 9, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on November 9, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being referred to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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HOVEY WILLIAMS LLP
SUITE 400
2405 GRAND BOULEVARD
KANSAS CITY, MO 64108

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SEP 27 2007

OFFICE OF PETITIONS

In re Patent No. D514,068 :
Issue Date: January 31, 2006 :
Application No. 29/196,031 : ON PETITION
Filed: December 17, 2003 :
Attorney Docket No. 34485DSG :

This is a decision on the petition filed February 13, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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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FEB 1 2005

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington DC 20005-3315

In re Application of
Norikazu Ninomiya :
Serial No.: 29/196,045 :
Filed: December 22, 2003 : PETITION DECISION
Attorney Docket No.: 04676.0125 :

This is in response to applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181, filed October 14, 2004, based on having responded to the Office action.

A review of the file history shows that a Notice of Allowance was mailed May 18, 2004, setting a three month statutory period to pay the Issue fee and submit formal drawings. The Issue fee was received August 18, 2004; however, as the formal drawings were not submitted, a Notice of Abandonment was mailed on September 30, 2004.

Applicant has stated that the formal drawings were timely submitted on August 18, 2004, and has included a copy of the response with a stamped Post Card Receipt. Therefore, as the response was timely filed, the Office abandoned the application in error.

Applicant's petition is **GRANTED.**

The application will be promptly forwarded to Publications Branch to be printed as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 29/196056

DATE : 9/1/05

Paper No.: —

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D507430 S

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Virginia Tolbert

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 113

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments:

Caron D Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:072705

DATE : July 26, 2005

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D500,285

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: CARON VEYNAR **Art Unit** 2913

Caron D Veynar

S-O-O

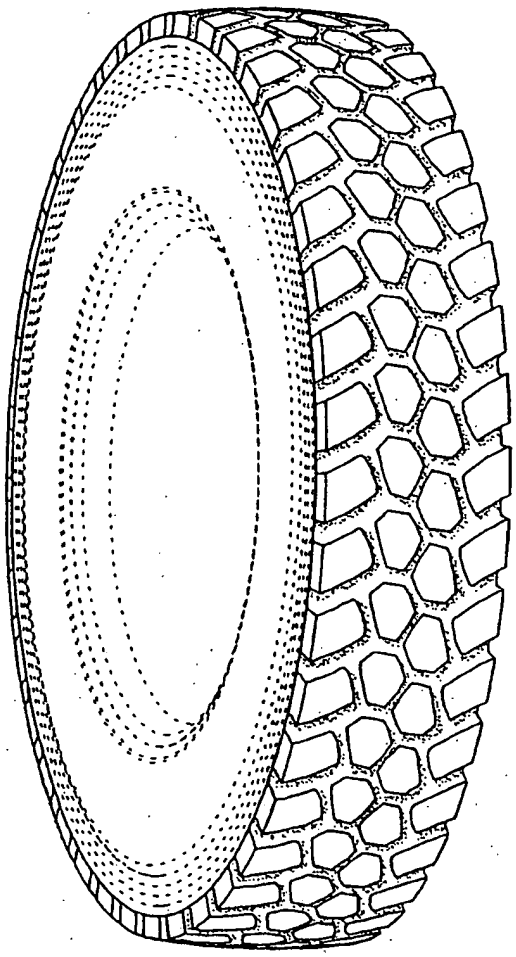
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO.: D500,285
DATED: December 28, 2004
INVENTOR(S): IKEDA

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

FIG. 1 is amended on Sheet 1 of 7 to appear as follows:

FIG. 1



SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:072605

DATE : July 26, 2005

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D500,285

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☐ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☒ **Denied** State the reasons for denial below.

Comments:

The drawing shown in the proposed Certificate of Correction is improper because the depth of the shoulder blocks along the right edge is not shown as required in the Notice of Allowability dated 7/26/04.

Caron D Veynar

SPE: CARON VEYNAR **Art Unit** 2913

S.000

MODIFIED PTO/SB/44 (07-03)

UNITED STATES PATENT AND TRADEMARK OFFICE

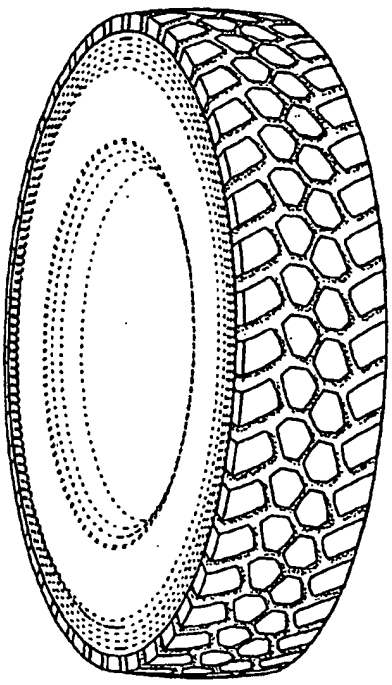
CERTIFICATE OF CORRECTION

PATENT NO: D500,285

DATED: December 28, 2004

INVENTOR: Chikako IKEDA

Please delete the Figure as indicated on the first page and insert the following Figure:



MAILING ADDRESS OF SENDER:
SUGHRUE MION, PLLC

WASHINGTON OFFICE
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PATENT NO. D500,285

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PATENT & TRADEMARK COUNSEL
THE GILLETTE COMPANY
PRUDENTIAL TOWER BLDG., 39TH FLOOR
BOSTON, MA 02199

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OFFICE OF PETITIONS

In re Application of :
John Prudden, Jr. :
Application No. 29/196,115 :
Filed: December 22, 2003 :
Attorney Docket No. 8112 :

ON PETITION

This is a decision on the petition under 37 C.F.R. 1.137(b), filed December 27, 2005, to revive the above-identified design application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before July 7, 2005. Accordingly, this application became abandoned on July 8, 2005. A Notice of Abandonment was mailed on September 22, 2005.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 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. In an application, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(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 pursuant to 37 CFR 1.137(b) 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 set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (4) above.

A terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) has not been submitted and is required.

37 CFR 1.137(d) Terminal disclaimer, states:

(1) Any petition to revive pursuant to this section in a design application must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application.

Accordingly, the petition must be dismissed.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

By FAX: (571) 273-8300
Attn: Office of Petitions

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

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT & TRADEMARK COUNSEL
THE GILLETTE COMPANY
PRUDENTIAL TOWER BLDG., 39TH FLOOR
BOSTON, MA 02199

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OFFICE OF PETITIONS

In re Application of :
John Prudden, Jr. :
Application No. 29/196,115 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. 8112 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 18, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before July 7, 2005. Accordingly, this application became abandoned on July 8, 2005. A Notice of Abandonment was mailed on September 22, 2005.

This application is being forwarded to Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

MICHAEL P. LEARY
BLACK & DECKER CORPORATION
MAIL STOP TW199
701 E. JOPPA RD.
TOWSON, MD 21286

In re Application of :
Robert P. Welsh :
Application No. 29/196,126 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket No. D-US-TN-09539 :

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 18, 2006.

The application became abandoned for failure to pay the issue fee on or before March 29, 2006. A Notice of Abandonment was mailed on August 1, 2006. In response, on August 18, 2006, the requisite issue fee, a terminal disclaimer and the present petition were filed.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is GRANTED.

The terminal disclaimer filed August 18, 2006 has been entered and made of record.

The application is being referred to Publishing Division.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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OFFICE OF PETITIONS

In re Patent No. D514661 :
Issued: February 7, 2006 :
Application No. 29/196,131 : ON PETITION
Filed: December 22, 2003 :
Attorney Docket Number: 102792-132 :

This is a decision on the petition, filed April 3, 2006, under 37 CFR 1.183 to correct the assignee's name on the front of the Patent. The petition is treated under 37 CFR 3.81(b)[1]

The petition is **GRANTED**.

Petitioner states that the assignee's name is RECKITT BENCKISER (UK) LIMITED, and that the failure to include the correct assignee's name on the Fee(s) Transmittal form PTOL-85(b) was inadvertent. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that RECKITT BENCKISER (UK) LIMITED is the assignee of record. Accordingly, as the request complies with the

---

[1] *See* Official Gazette of June 22, 2004

provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3212. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

OIPE
MAR 0 5 2005
PATENT & TRADEMARK OFFICE

03-08-05

1PW

Certification under 37 CFR 1.10

EV 239625039 US	03/07/05 DWM ~~03/9/2005~~
Express Mail mailing number	Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Donald W. Meeker	Donald W. Meeker
Name of person mailing correspondence	Signature of person mailing correspondence

Donald W. Meeker, Patent Agent
924 East Ocean Front #E, Newport Beach, CA 92661
(949) 675-6296 FAX (949) 675-6717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George DeLaney
Application No.: 29/196,134 Art Unit: 2913 Morris
Filing Date: 12/21/2003
For: HEAD AND NECK DESIGN FOR SCREAMING RUBBER CHICKEN

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

To the Honorable Commissioner for Patents:

PETITION FOR SPECIAL STATUS

Your petitioner, George DeLaney, respectfully requests that his patent application referenced above be accorded special status according to M.P.E.P. 708.02 II, because the patent is being infringed, as declared below.

George DeLaney, the above-named petitioner, declares that his patent is being infringed.

Infringing copies of his invention are being sold by SMITH GROUP
5112 FRONTAGE RD NW AUBURN WA 98001 TEL 253-859-4343

as witnessed by the petitioner on a number of occasions beginning 12/15/04.

A rigid comparison of the infringing product has been made, and in my opinion, unquestionably infringes on my claimed design.

I have a good knowledge of the pertinent prior art.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed George DeLaney date 2/23/05

3/09/2005 HALI11 00000016 29196134
1 FC:1464 130.00 OP

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

APR 4 2005

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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GOLD & RIZVI, P.A.
600 N. PINE ISLAND ROAD
SUITE 450
PLANTATION, FL 33324-1311

5/6/05

In re Application of
Carmen Pimentel
Serial No.: 29/196,145
Filed: December 22, 2003
Attorney Docket No.: 1103-0100

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), received February 28, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed August 20, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The Issue fee was submitted October 20, 2004; however, as no formal drawings were received by November 22, 2004, a Notice of Abandonment was mailed January 20, 2005. Applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was filed within two months of the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline Stone
Director, Technology Center 1700/2900

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Alexandria, VA 22313-1450
www.uspto.gov

NOV 18 2004

FOLEY & LARDNER
321 NORTH CLARK STREET
SUITE 2800
CHICAGO, IL 60610-4764

In re Application of	:
Berthold Schwaiger	:
Serial No.: 29/196,158	: PETITION DECISION
Filed: December 23, 2003	:
Attorney Docket No.: 034565-0101-1	:

This is a decision on applicant's Petition under 37 CFR 1.137(b) submitted September 7, 2004, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed June 3, 2004, which set a three-month statutory period to pay the Issue fee. As no reply was submitted by September 3, 2004, the application was abandoned. Applicant then filed this petition.

A grantable petition under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee. The requirement for a terminal disclaimer has been waived, as the petition was submitted before the mailing of the Notice of Abandonment.

Applicant's petition is **GRANTED.**

The application will be forwarded to Publications Branch to be issued into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids MI 49503-2487

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JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of
Jablow, Kaufman, Spinelli, Miller & Miller
Application No. 29/196,169
Filed: December 22, 2003
Attorney Docket No. 77301.85040-001
For: SHELVING

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 23, 2004.

The petition is granted.

Petitioners have shown that the non-signing inventors, Michael Miller and Jack Miller, have expressly refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of Attorney Gregory P. Bondarenko establishes that the inventors were successfully mailed the application papers, including the specification, claim, and drawings, but in a letter to Attorney Bondarenko, dated March 23, 2004, the non-signing inventors expressly refused to join in the filing of the application. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2900 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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JACK MILLER
216 FAIRVIEW AVENUE
ENGLEWOOD CLIFFS, NJ 07632

In re Application of
Jablow, Kaufman, Spinelli, Miller & Miller
Application No. 29/196,169
Filed: December 22, 2003
Attorney Docket No. 77301.85040-001
For: SHELVING

LETTER

COPY MAILED

JUN 2 9 2004

OFFICE OF PETITIONS

Dear Mr. Miller:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids MI 49503-2487

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MICHAEL MILLER
2055 CENTER AVENUE
FORT LEE, NJ 07024

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JUN 2 9 2004

OFFICE OF PETITIONS

In re Application of
Jablow, Kaufman, Spinelli, Miller & Miller
Application No. 29/196,169
Filed: December 22, 2003
Attorney Docket No. 77301.85040-001
For: SHELVING

LETTER

Dear Mr. Miller:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: Warner Norcross & Judd LLP
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Grand Rapids MI 49503-2487

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COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

1/5/06

In re Application of
DAVIS THOMAS
Serial No.: 29/196,186
Filed: December 23, 2003

: PETITION DECISION

This is a decision on the petition filed March 30, 2005 pursuant to 37 CFR 1.144, from the final restriction requirement made by the examiner on February 4, 2005.

A review of the record reveals this application was filed 192 figures with each figure being a separate embodiment.

In the Office action of 11/19/2004 the examiner divided the 192 embodiments into 117 Groups and required restriction to one of the Groups. In his 12/13/2004 response applicant provisionally elected Examiner-specified Group 31 with traverse. In the Office action of 2/14/2005 the examiner made to restriction requirement final and indicated the elected Group was allowable.

Applicant continues to traverse the restriction requirement and now petitions the Commissioner to withdraw the current restriction requirement, implement Applicant's proposed grouping, and direct the examiner to examine the embodiments of applicant's Group 8. In support of this request, petitioner asserts:

> The design of the present invention can be broadly classified into two groups. The first includes those embodiments having only small polygonal pieces forming a grid pattern, and the second includes those embodiments having a combination of small and large polygonal pieces. These two groups can be further subdivided based on the arrangement of the small polygonal pieces. A first arrangement is where the small polygonal pieces are arranged in a straight grid pattern. A second arrangement is where the small polygonal pieces are arranged in a staggered grid pattern. A third arrangement is where the small polygonal pieces are arranged in a combination straight and staggered pattern. A fourth arrangement is where the small polygonal pieces

are arranged in a combination straight and staggered pattern, and further includes a cross. This classifies the 192 embodiments of the present invention into eight (8) separate groups, which are detailed in the following table."

ARRANGEMENT	GROUP #	FIGURE #s
Straight Grid	Group 1 (small)	1-3, 13-15, 97-99, 109-111
	Group 2 (small & large)	4-12, 16-24, 100-108, 112-120
Staggered Grid	Group 3 (small)	25-27, 37-39, 121-123, 133-135
	Group 4 (small & large)	28-36, 40-48, 124-132, 136-144
Straight/Staggered Grid	Group 5 (small)	49-51, 61-63, 145-147, 157-159
	Group 6 (small & large)	52-60, 64-72, 148-156, 160-168
Straight/Staggered Grid With Cross	Group 7 (small)	73-75, 85-87, 169-171, 181-183
	Group 8 (small & large)	76-84, 88-96, 172-180, 184-192

In a first point of contention, the Examiner asserts that the patterns within the polygonal grid render the embodiments patentably distinct. Applicant disagrees, and respectfully directs the Commissioner's attention to Figures 28 and 124.

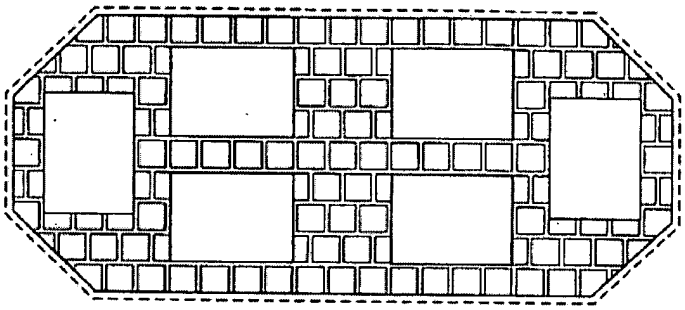


FIG. 28

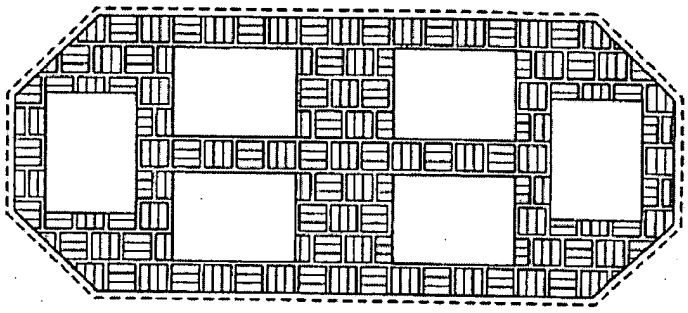


FIG. 124

The small blocks in Figure 28 are plain while the small blocks in Figure 124 have a pattern imposed upon them. However, the small blocks in both Figures are arranged in the same staggered grid pattern. Therefore, the appearances of both Figures are basically the same. Indeed, the relationship between the arrangement of the small blocks and the appearance of the small blocks within the arrangement is analogous to an independent claim/dependent claim relationship in a utility patent. Particularly, if the

underlying grid arrangement is patentable, then the appearance of the small blocks within the underlying grid arrangement - regardless of any pattern imposed upon them - is patentable as well. They are all arranged in the same grid pattern.

The Examiner's second point of contention is that the appearance (i.e., shape) of the large polygonal shapes at the selected seating positions also renders the embodiments distinct. However, an analysis similar to the one given above applies with respect to the shapes of the large blocks located at the seating positions. Referring to Figures 28 and 31, for example,

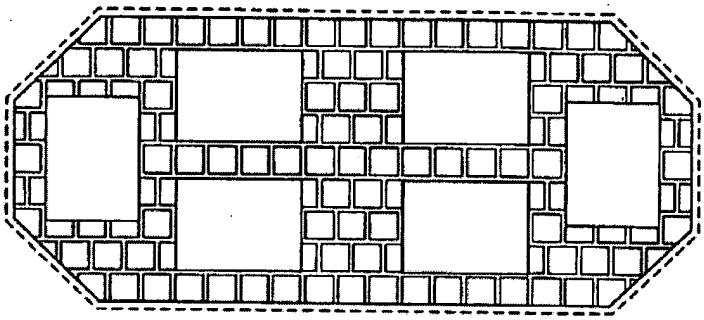


FIG. 28

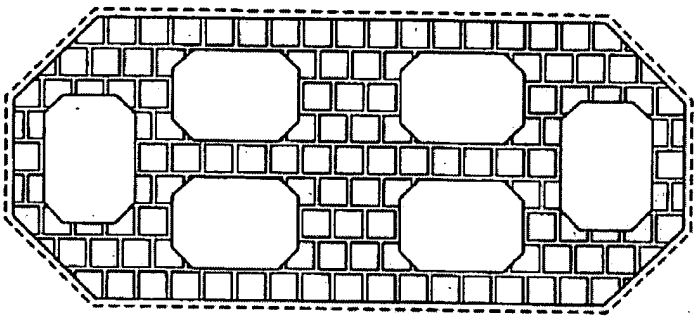


FIG. 31

both show small blocks arranged in a staggered grid pattern, and both show large blocks at seating positions. The only difference between the Figures is the shape of the large blocks. The arrangement remains the same.

The Examiner's final point of contention is that the shape of the table constitutes a patentable distinction. Again, Applicant disagrees. Differences in the overall shape of the table do not result in patentably distinct inventions.

...

Applicant's proposed groups, in contrast, are reasonable in that they are grouped according to grid arrangement and types of blocks (i.e., small and small/large), and they comport with the guidance provided by MPEP 1504.05. Each of the embodiments within each group enjoys the same basic overall appearance. The only differences between the embodiments within each group are the shape of the table and the shape of the large polygonal pieces. These differences are minor and do not make the embodiments within each group patentably distinct from each other.

The examiner's reasons for maintaining the restriction requirement are as follows:

> ... each of the groups considered are patentably distinct from each other in view of the fact that there are three features that distinguish them from each other. The first feature is the difference in appearance of the large polygonal shapes at the selected seating positions. For example, in applicants Groups 2,4,6,and 8, the applicant uses three different polygonal shapes (oval, rectangle, octagon) within each group. These constitute patentably distinct designs due to their difference in appearance.
>
> The second is the pattern within the polygonal grid. Applicant uses two different patterns within each group. For example, in applicants Group 4, Figs. 28-36 and 40-48 have the same staggered grid pattern. While, Figs. 124-132 and 136-144 show each square of the grid in three sections. The differences in these grids constitute patentably distinct designs.
>
> The third feature is the difference in the overall shape of the tabletop. For example, in applicants Group 3, Figs. 25,133, 37 and 121 are octagons. While, Figs. 27, 39, 135 and 123 are comprised of ovals and spheres. The difference in the appearance of these polygonal shapes constitutes patentably distinct designs. These differences in shape and appearance are not shown to be obvious in the analogous prior art. Hence the restriction is deemed proper.

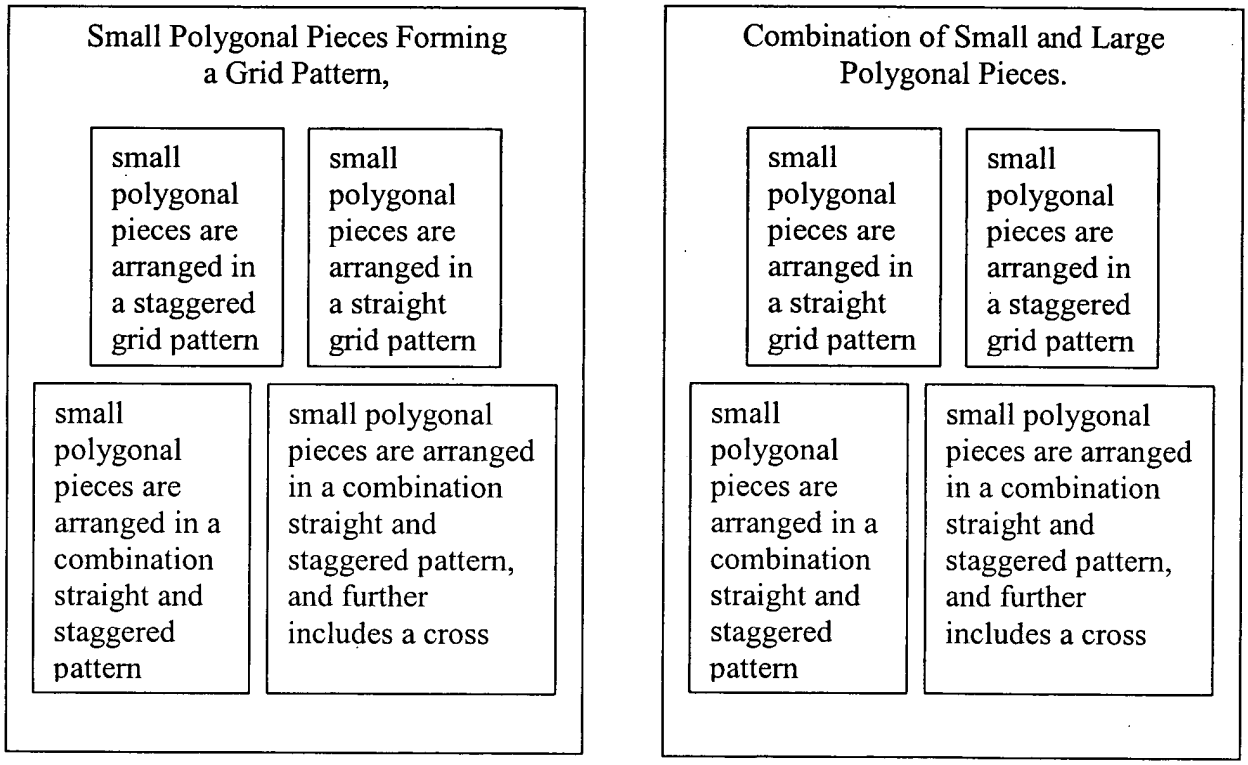
In a design application only one claim is permitted. More than one embodiment of a design can be protected by a single claim. However such embodiments can be presented only if they involve a single inventive concept according to obviousness double patenting practice for designs. *In re Rubinfield,* 123 USPQ 210 (CCPA 1959) Therefore, the examiner will require restriction in each design application that contains more than one patentably distinct design.

If any two embodiments meet the obviousness-type double patenting standard, they may remain in a single application. To determine this, the examiner must compare the overall appearances of the various embodiments. The designs must be considered as a whole, i.e., the elements of each design are not considered individually as they may be when establishing a prima facie case of obviousness under 35 U.S.C. 103(a). After the comparisons of similarities and differences, as with a rejection under 35 U.S.C. 103(a), the examiner must go on to determine whether a hypothetical conclusion of *prima facie* obviousness-type double patenting is warranted. To establish *prima facie* obviousness-type double patenting: 1) The conflicting design claims must have overall appearances with basically

the same design characteristics; and 2) The differences between the two designs must be insufficient to patentably distinguish one design from the other. Differences may be considered patentably insufficient when they are *de minimis* or *obvious* to a designer of ordinary skill in the art in view of analogous prior art or case law.

The issue to be decided on Petition is whether petitioner's proposed grouping of the embodiments is acceptable over the examiner's groupings for the purposes of restriction under 35 U.S.C. 121.

Petitioner's arguments and proposed groups have been carefully considered. The eight groups created by petitioner:



Petitioners groups are organized by the presence of features however the overall appearances of each design did not play the primary role.

The groups include visually disparate designs. For example, Group 1 includes Fig. 1 and Fig. 111.

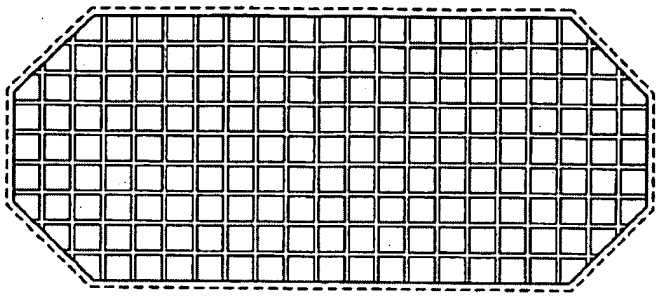


FIG. 1

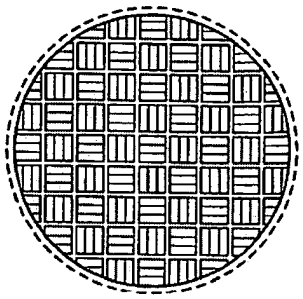


FIG. 111

Clearly these two designs would not be patentable over one another. In the hypothetical obviousness double patenting rejection, which is the test for restriction, neither of these designs could be a primary reference for the other. Neither would qualify as a primary reference because neither has design characteristics which are basically the same as the other. Similar disparities are present in each of petitioner's groups.

Regarding the three points of contention between petitioner and the examiner:

On the first point petitioner does not agree with the examiner's position that the patterns within the polygonal grid render the embodiments patentably distinct. Using Figs. 28 and 124 as an example petitioner argues, the two designs are arranged in the same staggered grid pattern. Therefore, the appearances of both Figures are basically the same.

It is agreed that Figures 28 and 124 are basically the same. However, the difference between the two designs is not di minimis and no evidence has been presented to show that the differences are obvious. Since the difference between the designs can support separate patents, the two designs cannot remain in the same group.

On the second point petitioner does not agree with the examiner's position that the appearance (i.e., shape) of the large polygonal shapes at the selected seating positions also renders the embodiments distinct. Using Figs. 28 and 31 as an example petitioner argues, both show small blocks arranged in a staggered grid pattern, and both show large blocks at seating positions. The only difference between the Figures is the shape of the large blocks. The arrangement remains the same.

It is agreed that Figures 28 and 31 are also basically the same. However, similar to the conclusion above, the difference between the two designs is not di minimis and no evidence has been presented to show that the differences are obvious. Since the difference between the designs can support separate patents, the two designs cannot remain in the same group.

On the third point petitioner does not agree with the examiner's position that the shape of the table constitutes a patentable distinction. He states, "Differences in the overall shape of the table do not result in patentably distinct inventions." This is simply a conclusory statement unsupported by objective factual evidence. The difference in the overall shape of the table is not di minimis and no evidence has been presented to show that the differences do not result in patentably distinct inventions.

Petitioner's grouping of the embodiments includes designs that are patentably distinct from one another. Although some of the patentably distinct designs which petitioner grouped have appearances that are basically the same, petitioner offered no evidence to demonstrate the differences between the designs are obvious. Therefore petitioner's grouping of the 192 embodiments is not acceptable over the examiner's groupings for the purposes of restriction under 35 U.S.C. 121.

For the reasons set forth above the requirement for restriction is considered proper.

The Petition is DENIED.

Should there be any questions with regard to this letter please contact Joel Sincavage by letter addressed to the Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at (571) 272-2610.

JMStone

Jacqueline M. Stone

Director, Technology Center 3700/2900

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Paper No. 11

VAN DYKE, GARDNER,
LINN & BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

COPY MAILED

AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Doug Wolff, Nathan Rood and :
Robert Russell :
Application No. 29/196,188 : DECISION GRANTING
Filed: December 22, 2003 : STATUS UNDER
Title of Invention: : 37 CFR 1.47(a)
GLASS SHELF MOUNTING BRACKET

This Decision is in response to a Petition for Filing by Other Than All the Inventors Under 37 CFR 1.47(a), filed June 29, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor. The Petition for a two (2) month extension is hereby granted.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Robert Russell, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The oath/declaration has been entered and made of record.

The application file is being returned to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/196,195	12/23/2003	2913	470	DEV 03-56-1	9	1	1

CONFIRMATION NO. 8660

CORRECTED FILING RECEIPT

OC000000012557142

23531
SUITER WEST PC LLO
14301 FNB PARKWAY
SUITE 220
OMAHA, NE 68154

Date Mailed: 05/06/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. 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 write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. 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 (if appropriate).**

Applicant(s)

Jeremy D. Leasure, Jackson, TN;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Pressure washer

Preliminary Class

D32

LICENSE FOR FOREIGN FILING UNDER
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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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, 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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JUN 29 2004

WELSH & FLAXMAN LLC
2450 CRYSTAL DRIVE
SUITE 112
ARLINGTON VA 22202

In re Application of	:	
Brady Anderton	:	
Serial No.: 29/196,212	:	DECISION ON
Filed: December 24, 2003	:	PETITON TO MAKE SPECIAL
For: Small Bottle Holder	:	

This is in response to applicants' petition filed April 23, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 29 2004

James C. Brown
2121 Skyhawk Drive
Fort Wayne IN 46815

In re Application of :
James C. Brown :
Serial No.: 29/196,252 :
Filed: December 23, 2003 : DECISION ON PETITION
For: HOLLOW HIGHWAY BARRICADE
WITH FRICTION FIT CONNECTION :

This is in response to applicants' Petition filed December 23, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on prospective manufacture.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle, by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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NOV 18 2004

HENRY I. LEON
924 BOWEN ST. N.W.
ATLANTA GA, 30318

In re Application of	:
Patrick L. Lambert	:
Serial No.: 29/196,277	: PETITION DECISION
Filed: December 24, 2003	:
Attorney Docket No.:	:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(a), which is being treated as a Petition under 37 CFR 1.181 submitted August 26, 2004, to revive an unavoidably abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed April 5, 2004, which set a three-month period to submit the Issue fee and formal drawings. The issue fee was received July 6, 2004; however, as no formal drawings were received, a Notice of Abandonment was mailed August 13, 2004. Applicant then filed this petition.

Applicant has submitted that the abandonment of the application was unavoidable, as applicant did respond to the Notice by timely submitting the formal drawings. Copies of the response, with a Certificate of Mailing date of July 6, 2004 were submitted, showing that applicant did timely respond, and the application was abandoned in error.

As there are no fees associated with Petitions granted under 37 CFR 1.181, the Petition fee of $55.00 will refunded to applicant by Treasury Check in due course.

Applicants petition is GRANTED.

The application will be promptly forwarded Application Branch for processing into a Patent in due course.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 3700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

John Kittle
Director, Technology Center 3700/2900

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FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON, MA 02110-2804

6/24/05

In re Application of
Christopher Houghton
Serial No.: 29/196,292
Filed: December 24, 2003
Attorney Docket No.: 02103-584001

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed October 21, 2004, to revive an unintentionally abandoned application. The delay in acting upon this petition is regretted.

This application became abandoned for failure to respond to the Notice of Allowance mailed July 16, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by October 18, 2004, the application was abandoned; applicant then filed this petition.

A grantable petition for a design application under 37 CFR 1.137(b), as revised December 1, 1997, requires four items: (1) a petition and petition fee; (2) a complete response if not earlier made; (3) a statement that the entire period of delay in prosecution was unintentional; and (4) a terminal disclaimer and disclaimer fee.

The requirement for a terminal disclaimer has been waived, as the petition was filed within one month of the mailing of the Notice of Abandonment. The petition states that "the entire period of delay was unintentional" will be accepted. It is construed as meaning 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 37 CFR 1.137(b) was unintentional." If this is an incorrect statement in view of the new rules, petitioner is required to provide a statement to that effect.

Applicant's petition is **GRANTED**.

The application will be forwarded to Publication Division for printing as a patent in due course.

The terminal disclaimer fee of $110.00 will be refunded to applicant's Deposit account 06-1050, as directed.

Should there be any questions with respect to this decision, please contact Sandra Morris; by mail addressed to: Director, Technology Center 1700/2900, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at (571) 272-2622.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

OIPE JC19
OCT 26 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher Houghton et al.
Serial No. : 29/196,292
Filed : December 24, 2003
Title : CD PLAYER DESIGN

Art Unit : 2912
Examiner : Nanda Bondade

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.71 (b), 1.137(d), AND 1.321(b)

Pursuant to 37 CFR §3.73 (b), BOSE CORPORATION, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above, a copy of which is attached.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), the assignee identified above hereby waives and disclaims the terminal three days of the term of the entire patent to be granted upon the above identified application in accordance with 37 C.F. R. § 1.137(d).

We enclose a check for $110 in accordance with 37 C.F.R. § 1.20(d). Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 02103-584001.

Respectfully submitted,
FISH & RICHARDSON P.C.

Date: OCT 2 1 2004

Charles Hieken
Reg. No. 18,411
Attorneys for Application Owner

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
20961540.doc

10/27/2004 HDEMESS2 00000021 29196292
02 FC:1814 110.00 OP

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United Sates Postal Service with sufficient postage for first class mail in an envelope addressed to the above address, or being facsimile transmitted to the USPTO, on the date indicated below.

OCT 2 1 2004
Date of Transmission

Charles Hieken
Signature

Charles Hieken
Typed or Printed Name of Person Signing Certificate

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

PLANTRONICS INC
365 ENCINAL ST
PO BOX 635
SANTA CRUZ CA 95060-0635

COPY MAILED

JUN 28 2006

OFFICE OF PETITIONS

In re Application of
Fred Polito, et al. :
Application No. 29/196,329 : DECISION ON
Filed: December 23, 2003 : PETITION
Attorney Docket No. 01-7134 :

This is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 16, 2006.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." There is no fee for the renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application was held abandoned for failure to timely file a reply to the non-final Office action mailed March 3, 2004. This Notice set a shortened period for reply of two (2) months for applicants to submit an executed oath or declaration, together with a surcharge for its late filing. On March 19, 2004, the Office received a four page response, consisting of a copy of the Notice (2 pages), a transmittal form, and a fee transmittal form. The transmittal form itemized that a "Response to Missing Parts" was enclosed. No oath or declaration was received. Accordingly, the Office mailed a "Notice of Incomplete Reply" on March 31, 2004, stating that a response was received on March 19, 2004, but that applicant's response lacked the oath or declaration. The period for reply continued to run

from the mailing date of the March 3, 2004 Notice. No oath or declaration having been received, the application became abandoned on May 4, 2004. A Notice of Abandonment was mailed on May 1, 2006.

The PTO file is the official record of papers originally filed in this application. A review of the official file reveals that no oath or declaration accompanied applicant's four page response on March 19, 2004, since those papers are not present in the file. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of the evidence.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See MPEP 503. **Applicant has not submitted a proper return postcard showing that an oath or declaration was filed on March 19, 2004.**

If applicant can not supply a postcard receipt evidencing receipt of an oath or declaration, applicant may wish to consider reviving the application pursuant to 37 CFR 1.137(a) or 37 CFR 1.137(b).

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 set forth in 37 CFR 1.17(l) - currently **$250** for a small entity; (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) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

A grantable petition pursuant to 37 CFR 1.137(b) 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 37 CFR 1.17(m) - currently **$750** for a small entity; (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 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

Enclosed for petitioner's convenience are forms for petitions to revive under 37 CFR 1.137(a) and 37 CFR 1.137(b).

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

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

By FAX: (571)273-8300
Attn: Office of Petitions

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

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/61 (3 pages)
PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)

PTO/SB/61 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional)

First Named Inventor: Art Unit:

Application Number: Examiner:

Filed:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United Sates Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

(1) Petition fee.
(2) Reply and/or issue fee.
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
(4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee $_____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $_____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B The issue fee of $ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and 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(a) was unavoidable, is enclosed.

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____ _____
Signature Date

_____ _____
Typed or printed name Registration Number, if applicable

_____ _____
Address Telephone Number

_____
Address

Enclosure ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

_____ _____
Date Signature

_____
Typed or printed name of person signing certificate

PTO/SB/61 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature	Date
Typed or printed name	Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(Please attach additional sheets if additional space is needed.)

PTO/SB/64 (10-05)
Approved for use through 07/31/2006. 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 displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1.Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: 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. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

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). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

_____	_____
Signature	Date
_____	_____
Typed or printed name	Registration Number, if applicable
_____	_____
Address	Telephone Number
_____	
Address	

Enclosures:
☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

_____	_____
Date	Signature
	_____
	Typed or printed name of person signing certificate

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 disclosure of these records is required by the Freedom of Information Act.
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 individuals.
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 inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PLANTRONICS INC
365 ENCINAL ST
PO BOX 635
SANTA CRUZ CA 95060-0635

COPY MAILED

MAR 31 2008

OFFICE OF PETITIONS

In re Application of
Fred Polito, et al. :
Application No. 29/196,329 : DECISION ON
Filed: December 23, 2003 : PETITION
Attorney Docket No. 01-7134 :

This is in response to the petition to revive under 37 CFR 1.137(b), filed July 24, 2006.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a reply to the non-final Office action mailed March 3, 2004. This Notice set a shortened period for reply of two (2) months for applicants to submit an executed oath or declaration, together with a surcharge for its late filing. On March 19, 2004, the Office received a four page response, consisting of a copy of the Notice (2 pages), a transmittal form, and a fee transmittal form. The transmittal form itemized that a "Response to Missing Parts" was enclosed. No oath or declaration was received. Accordingly, the Office mailed a "Notice of Incomplete Reply" on March 31, 2004, stating that a response was received on March 19, 2004, but that applicant's response lacked the oath or declaration. The period for reply continued to run from the mailing date of the March 3, 2004 Notice. No oath or declaration having been received, the application became abandoned on May 4, 2004. A Notice of Abandonment was mailed on May 1, 2006. Applicants filed a petition to withdraw the holding of abandonment on May 16, 2006. However, the petition was dismissed in a decision mailed on June 28, 2006.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and as the application is a design application, submitted a terminal disclaimer. The required reply in the form of a declaration was previously submitted on May 16, 2006.

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APR 29 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Sean M. McDowell	:	
Serial No.: 29/196,335	:	DECISION ON PETITION
Filed: December 23, 2003	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on December 23, 2003 to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII, thus the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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

SEP 17 2004

MCGLEW & TUTTLE, PC
1 SCARBOROUGH STATION PLAZA
SCARBOROUGH NY 10510-0827

In re Application of	:	
Alfred Schlembach	:	
Serial No.: 29/196,361	:	DECISION ON
Filed: December 22, 2003	:	PETITON TO MAKE SPECIAL
For: Equipment Trolley	:	

This is in response to applicants' petition filed September 2, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d), based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II. Therefore the petition is **GRANTED**.

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

Should there be any questions with regard to this letter please contact John Kittle by letter addressed to the Director, Technology Center 3700/2900, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900