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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Paper No.

THE LAW OFFICES OF STEVEN
MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN CT 06457

COPY MAILED

SEP 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Kevin Bantle	:	DECISION ON
Application No. 29/208,559	:	PETITION
Filed: June 30, 2004	:	
Title: Logging Tool	:	

This is in response to the "PETITION TO REVIVE UNINTENTIONALLY AND UNAVOIDABLY ABANDONED APPLICATION," filed May 15, 2007.

The petition under § 1.137(a) is **DISMISSED**.

Any renewed petition 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 §1.137(a)" or "Renewed Petition under 37 CFR §1.137(b)," as appropriate. Extensions of time under 37 CFR §1.136(a) are permitted.

The above-identified application became abandoned for failure to pay the Issue Fee within three months of the mailing date, August 11, 2006, of the Notice of Allowance and Fee(s) Due. In addition, applicant failed to file corrected drawings in reply to the Notice of Allowability mailed August 11, 2006. Both Notices set a three-month nonextendable statutory period for reply. No payment of issue fee and no corrected drawings having been received, the above-identified application became abandoned on November 12, 2006. A courtesy Notice of Abandonment was mailed on December 19, 2006.

37 CFR 1.137(a) provides that:

If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application. A grantable petition pursuant to this paragraph must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(l);
(3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition includes payment of the petition fee set forth in 37 CFR § 1.17(l) and the required terminal disclaimer executed by an attorney of record.

However, the petition is not grantable because it does not satisfy requirements (1) and (3) above. As to requirement (1), the petition included required reply in the form of payment of the Issue Fee[1], but not the corrected drawings. Submission of the corrected drawings is required to satisfy requirement (1).

As to requirement (3), petitioner's showing does not meet their burden of establishing that the delay was unavoidable. Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important

[1] No publication fee was required.

> business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

Petitioner maintains that the delay in paying the issue fee was unavoidable as applicant's attorney of record at the time, Emmett C. Pugh, failed to timely pay the issue fee due to a sudden and catastrophic illness which occurred in the summer of 2006 and left attorney Pugh unable to work as an attorney and perform his duties. In support thereof, petitioner submits the declaration of attorney Pugh's wife. This argument is not supported with a statement from any medical professional.

Preliminarily, it is of issue whether continued reliance on the attorney was reasonable. Petitioner generally states that after numerous unsuccessful attempts at contacting attorney Pugh, applicant hired the new attorney. The former attorney last filed a paper in this case on April 21, 2006. The petition suggests that applicant did not hear from the attorney thereafter and he was unable to reach the attorney. The record does not contravene a conclusion that relying on the attorney despite such a lapse in communication was reasonable. In this particular case, more than 14 months lapsed between the filing of the application and action by the attorney in filing a restriction requirement. The application was filed on June 30, 2004. A restriction requirement was not mailed until October 3, 2005. To which the former attorney filed an election, 20 months later on February 9, 2006.

Moreover, the instant petition was filed slightly more than a year after the last action by the former attorney, within a year of the abandonment and within 5 months of the mailing of the notice of abandonment.

Nonetheless, it is well-established that a delay caused by the mistakes or negligence of one's voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133. Haines v. Quigg, 673 F.Supp. 314, 316-317, (1987); Link v. Wabash, 370 U.S. 626, 633-634 (1962). The Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives, and applicant is bound by the consequences of those actions or inactions. Thus, reliance on an attorney per se does not provide petitioner with a showing of unavoidable delay within the meaning of 37 CFR 1.137(a). See California Medical Products v. Technol Med. Prod., 921 F.Supp. 1219, 1259. (D.Del. 1995). Rather, such reliance merely shifts the focus of the inquiry from petitioner to whether the attorney acted reasonably and prudently. Id. Nevertheless, petitioner is bound by any errors that may have been committed by the attorney. California, supra.

A showing of medical incapacitation may meet the burden of establishing that the delay was "unavoidable." A showing of "unavoidable" delay based upon incapacitation must establish that petitioner's incapacitation was of such a nature and degree as to render petitioner unable to conduct business (e.g., draft and submit issue fee payment to the Office) during the relevant period. Conducting of business in this instance includes notifying applicant of his incapacitation. Such a showing should be supported by a statement from petitioner's treating physician, and such statement should provide the nature and degree of petitioner's incapacitation during the relevant period.

With respect to such evidence, petitioner is cautioned in submitting personal medical information into the record of this application as the record may become public. Petitioner may protect confidentiality and identity by redacting information as appropriate.

In addition, the petition does not show whether even if attorney Pugh's medical condition warranted a conclusion that his failure to take action is excusable, there were not other parties that

should have taken action. Specifically, it is unclear whether attorney Pugh was a solo practitioner or whether there were associates who should have taken action. Any other attorney's failure to act will not be found unavoidable based on attorney Pugh's medical condition. Further, petitioner has not provided any evidence with respect to the winding down of the practice given the statement that attorney Pugh was no longer engaging in the practice of law given his illness.

The petition cannot be granted as petitioner has not met his burden of showing that the delay was unavoidable.

Petitioner states that the delay was unintentional and unavoidable. However, the petition does not include payment of the fee required for consideration of the petition under 37 CFR 1.137(b). Petitioner is not precluded from filing a petition pursuant to 37 CFR 1.137(b), which provides, in pertinent part, that:

If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application. A grantable petition pursuant to this paragraph 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.

Receipt of the revocation and power of attorney and change of correspondence address filed on May 15, 2007 is acknowledged and made of record.

Further correspondence with respect to this decision 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) 272-3219.

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
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THE LAW OFFICES OF STEVEN
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46 WASHINGTON STREET
MIDDLETOWN CT 06457

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MAR 28 2008

OFFICE OF PETITIONS

In re Application of	:	
Kevin Bantle	:	DECISION ON
Application No. 29/208,559	:	PETITION
Filed: June 30, 2004	:	
Title: Logging Tool	:	

This is in response to the "RENEWED PETITION TO REVIVE UNINTENTIONALLY AND UNAVOIDABLY ABANDONED APPLICATION," filed November 14, 2007.

The petition under § 1.137(a) is **GRANTED**.

The above-identified application became abandoned effective November 12, 2006 for failure to pay the Issue Fee within three months of the mailing date, August 11, 2006, of the Notice of Allowance and Fee(s) Due. In addition, applicant failed to file corrected drawings in reply to the Notice of Allowability mailed August 11, 2006. A courtesy Notice of Abandonment was mailed on December 19, 2006.

By decision mailed September 14, 2007, the initial petition under 37 CFR 1.137(a) was dismissed. The petition included payment of the petition fee set forth in 37 CFR § 1.17(l) and the required terminal disclaimer executed by an attorney of record. However, the petition did not include the complete required reply, in that, the corrected drawings required in response to the Notice of Allowability were not submitted. In addition, applicant failed to meet his burden of establishing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 1.137(a) was unavoidable.

On instant petition, additional statements from the current attorney of record, the former attorney's wife and his treating physician were submitted. This evidence, in light of the total record, has been considered and it is concluded that it supports a conclusion that the former attorney of record was a solo practitioner, that he suffered a stroke just prior to issuance of the Notice of Allowance, that he continues to be under a medical impairment sufficient to excuse his failure to take action in response to receipt of either the Notice of Allowance or the Notice of Abandonment, and that applicant acted promptly within the meaning of 1.137(a) upon becoming aware of the abandonment of the application to rectify the situation. Thus, it is concluded that petitioner has now met his burden of establishing that the delay was "unavoidable."

The terminal disclaimer has been accepted and made of record.

The Office of Patent Publication has been advised of this decision. The application is, thereby, forwarded to the Publishing Division for processing of the corrected drawings, filed on renewed petition filed November 14, 2007 and for issuance of the patent.

Telephone inquiries related to this decision may 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
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MARSH FISCHMANN & BREYFOGLE, LLP
3151 S. VAUGHN WAY, SUITE 411
AURORA, CO 80014

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JUN 30 2006

OFFICE OF PETITIONS

In re Application of :
Allen S. Aldridge :
Application No. 29/208,688 :
Filed: July 1, 2004 :
Attorney Docket No. 50121-00015 :

ON PETITION

This is a decision on the petitions filed July 1, 2005 under 37 CFR 1.137(b), to revive the above-identified application and under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition under 37 CFR 1.137(b) 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 January 27, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 28, 2005.

The petition under 37 CFR 1.313(c)(3) 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 1, 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 July 1, 2005.

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

This matter is being forwarded to Technology Center 2915 for processing of the CPA.

Irvin Dingle
Petitions Examiner
Office of Petitions

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FEB 0 2 2007

OFFICE OF PETITIONS

Charles J. Prescott, P.A.
Suite 115
2033 Wood Street
Sarasota FL 34237

In re Application of :
Jordy M. Anderson et al. :
Application No. 29/208,710 : DECISION ON PETITION
Filed: July 2, 2004 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number: P-1908 :
Title: BOAT :

This is a decision on the petition filed September 19, 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 formal drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 20, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings[2]. Accordingly, the above-identified application became abandoned on July 21, 2006. A Notice of Abandonment was mailed on August 24, 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).

With the present petition, Petitioner has submitted the petition fee, formal drawings, and the proper statement of unintentional delay.

Petitioner's representative has met requirements one through three of Rule §1.137(b).

Petitioner's representative 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]."

Petitioner's representative will note that 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's representative is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. All other inquiries

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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.
7 Petitioner's representative 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's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.

concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior 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
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Paper No. None

COPY MAILED

JUL 23 2007

OFFICE OF PETITIONS

Charles J. Prescott, P.A.
Suite 115
2033 Wood Street
Sarasota FL 34237

In re Application of	:	
Jordy M. Anderson et al.	:	
Application No. 29/208,710	:	DECISION ON RENEWED PETITION
Filed: July 2, 2004	:	UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number: P-1908	:	
Title: BOAT	:	

This is a decision on the renewed petition filed February 12, 2007, 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 formal drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed April 20, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting formal drawings[2]. Accordingly, the above-identified application became abandoned on July 21, 2006. A Notice of Abandonment was mailed on August 24, 2006.

---

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).

An original petition was filed on September 19, 2006, along with the petition fee, formal drawings, and the proper statement of unintentional delay. The petition was dismissed via the mailing of a decision on February 2, 2007, for failure to provide a terminal disclaimer and the associated fee.

With this renewed petition, a terminal disclaimer and the associated fee have been submitted.

It follows that this renewed petition is **GRANTED**.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[3]. 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

3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAW OFFICES OF CHRISTINE YANG
17220 NEWHOPE ST. #102
FOUNTAIN VALLEY, CA 92708

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OCT 14 2004

OFFICE OF PETITIONS

In re Application of :
Richard K. Jung, et al. :
Application No. 29/208,724 : NOTICE
Filed: July 6, 2004 :
Attorney Docket No. Keyboard.01

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 (571) 272-3201.

This file will be referred to Technology Center 2913 for examination in due course.

Sherry D. Brinkley
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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8/19/05

3M INNOVATIVE PROPERTIES COMPANY
P.O. BOX 33427
ST. PAUL, MN 55133-3427

In re Application of
Casey L. Carlson
Serial No.: 29/208,731
Filed: July 2, 2004
Attorney Docket No.: 59840US002

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 31, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to completely respond to the Notice of Allowance mailed December 2, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. Applicant submitted the Issue fee on February 9, 2005; however, as formal drawings were not received by March 2, 2005, a Notice of Abandonment was mailed May 5, 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 $130.00 will be refunded to applicant's Deposit account 13-3723, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 26, 2006

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/208,731 Patent No.: D 510,951 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**.

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: All changes Apply.

Caron D Veynar Elizabeth A Albert

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

SPE

2913

Art Unit

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
29/208,891	07/06/2004	2914	170	63584-5098	6	1	1

CONFIRMATION NO. 3502

CORRECTED FILING RECEIPT

OC000000013559571

24574
JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067

Date Mailed: 08/17/2004

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)

Salvatore Oliva, Winthrop, MA;
Christjane Burg, Ventura, CA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 07/14/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Footwear upper

Preliminary Class

D02

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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LAW OFFICE OF L. JACK GIBNEY
4465 BAYMEADOWS RD. SUITE 2
JACKSONVILLE, FL 32217

8/15/05

In re Application of
Richard Stewart III
Serial No.: 29/208,928
Filed: July 8, 2004
Attorney Docket No.: 04-120-PT-ISC

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 13, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to fully respond to the Notice of Allowance mailed December 29, 2004, which set a three-month statutory period to submit the Issue Fee and formal drawings. The issue fee was received January 31, 2005; however, as no formal drawings were received by March 29, 2005, a Notice of Abandonment was mailed May 9, 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

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

DRUMMOND & DUCKWORTH
4590 MACARTHUR BLVD., SUITE 500
NEWPORT BEACH CA 92660

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MAR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Brancky, Tom	:	
Application No. 29/208,934	:	ON PETITION
Filed: July 7, 2004	:	
Attorney Docket No. 793-P-1-USA	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 8, 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 (1). The Office acknowledges the payment of the issue fee. However, the Notice of Allowability mailed on August 24, 2005, also required submission of Corrected Drawings. Petitioner must submit the drawings before the above-identified application can be revived.

---

[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).

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 to with any renewed petition.

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

Enclosure: PTOL-85b

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P.O. Box 1450
Alexandria, VA 22313-1450
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DRUMMOND & DUCKWORTH
4590 MACARTHUR BLVD., SUITE 500
NEWPORT BEACH CA 92660

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JUL 0 5 2006

OFFICE OF PETITIONS

In re Application of	:	
Brancky, Tom	:	
Application No. 29/208,934	:	ON PETITION
Filed: July 7, 2004	:	
Attorney Docket No. 793-P-1-USA	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed April 19, 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 formal drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

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

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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BELL BOYD & LLOYD
P.O. BOX 1135
CHICAGO, IL 60690-1135

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JAN 2 5 2006

OFFICE OF PETITIONS

In re Application of :
Tristan M. Christianson :
Application No. 29/208,969 : ON PETITION
Filed: July 7, 2004 :
Attorney Docket No. 112440-614 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 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 April 13, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 13, 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 November 14, 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

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

BELL, BOYD & LLOYD LLP
P.O. BOX 1135
CHICAGO IL 60690

COPY MAILED

JUL 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Tristan M. CHRISTIANSON	:	
Application No. 29/208,969	:	DECISION ON PETITION
Filed: July 07, 2004	:	
Attorney Docket No. **112440-614**	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 13, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before July 13, 2005 as required by the Notice of Allowance and Fee(s) Due, mailed April 13, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 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 the $800 issue fee, (2) the petition fee of $1500, (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 timely pay the issue fee as required by the Notice of Allowance and Fee(s) is accepted as being unintentionally delayed.

The re-submitted 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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Amelia Au
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 14, 2008

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No 29/208975patent noD500723

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**.

Magdalene Talley

Certificates of Correction Branch 7

703-308-9390 ext. 116

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: Change of inventorship does not meet 37 CFR 1.324(a), (b). Each applicant and the assignee must submit a signed statement that the inventorship error occurred without any deceptive intention, See MPEP 1481.02, and that they agree with the change.

Caron D. Veynar
CARON D. VEYNAR
~~SUPERVISORY PATENT EXAMINER~~
SPE

2913
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

Serial no. 29/208975
Date Mailed : April 20, 2009
Patent No. : D500723
Patent Issued :January 11, 2005
Inventor(s) : Deepak Alimchandani
Title :WHEEL

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.

Respecting the alleged error noted in your request, change of inventorship does not meet 37CFR1.324 (a),(b). Each applicant and the assignee must submit a signed statement that the inventorship error occurred without and deceptive intention, see MPEP 1481.02, and that they agree with the change.

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

Magdalene Talley
Decisions and Certificate
Of Correction Branch
(703)756-1540
Fax (571)270-9942

Loza & Loza LLP
305 North Second Ave. #127
Upland, CA 91786

MD/mt

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

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Date : January 16, 2007

Patent No. : D,528,654 S
Inventor(s) : Nishibayashi, et al.
Issued : September 19, 2006
Title : **POWDER INHALATOR**
Docket No. : 04676.0132

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

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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l 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 or (703) 308-

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

CBN/eme

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

VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

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APR 25 2006
OFFICE OF PETITIONS

In re Application of :
Angel, et al. :
Application No. 29/208,993 : ON PETITION
Filed: July 8, 2004 :
Attorney Docket No. KID475/4-001DSGUS :
For: CHILDREN'S SAFETY WRISTBAND

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 2006 (certificate of mailing date February 14, 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)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed August 11, 2005, which set a three month period for reply. This application became abandoned on November 12, 2005. A Notice of Abandonment was mailed on January 30, 2006.

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, petitioners are required to submit a terminal disclaimer and fee.

The drawings filed on February 16, 2006 were accepted by the draftsperson. Please find enclosed a Notice of Draftsperson's Patent Drawing Review.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

Enclosure: NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

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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VINSON & ELKINS, L.L.P.
1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

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~~COPY MAILED~~
~~APR 25 2006~~
~~OFFICE OF PETITIONS~~

In re Application of :
Angel, et al. :
Application No. 29/208,993 : ON PETITION
Filed: July 8, 2004 :
Attorney Docket No. KID475/4-001DSGUS :
For: CHILDREN'S SAFETY WRISTBAND

This is a decision on the petition under 37 CFR 1.137(b), filed February 16, 2006 (certificate of mailing date February 14, 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)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed August 11, 2005, which set a three month period for reply. This application became abandoned on November 12, 2005. A Notice of Abandonment was mailed on January 30, 2006.

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, petitioners are required to submit a terminal disclaimer and fee.

The drawings filed on February 16, 2006 were accepted by the draftsperson. Please find enclosed a Notice of Draftsperson's Patent Drawing Review.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

Enclosure: NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

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1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON TX 77002-6760

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JUL 14 2006
OFFICE OF PETITIONS

In re Application of :
Angel, et al. :
Application No. 29/208,993 : ON PETITION
Filed: July 8, 2004 :
Attorney Docket No. KID475/4-001DSGUS :
For: CHILDREN'S SAFETY WRISTBAND

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed June 7, 2006 (certificate of mailing date June 5, 2006), to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed August 11, 2005, which set a three month period for reply. This application became abandoned on November 12, 2005. A Notice of Abandonment was mailed on January 30, 2006.

Applicants have 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 August 11, 2005 Notice of Allowability, the petition fee, and a terminal disclaimer and required fee.

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

After the mailing of this decision, the application will be 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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

OIPE
85798
APR - 6 2005
PATENT & TRADEMARK OFFICE

PTO/SB/83 (09-04)
Approved for use through 11/30/2005. OMB 0651-0035
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 WITHDRAWAL ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	29/209015
Filing Date	7/12/2004
First Named Inventor	Gordon Brown
Art Unit	2915
Examiner Name	RADEMAKER, CHARLES
Attorney Docket Number	70272.0064

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 1-18-06
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the attorneys/agents of record.
- [x] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [ ] the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:
Left firm and working for PTO.

CORRESPONDENCE ADDRESS

1. [x] The correspondence address is NOT affected by this withdrawal.
2. [ ] Change the correspondence address and direct all future correspondence to:

[ ] The address associated with Customer Number:

OR

[ ] Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone				Fax	

Signature	RMay		
Name	Robert J. May	Registration No.	55,437
Date	April 5, 2005	Telephone No.	202 368 1580

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. 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.

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

NOV 17 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Kenneth Link	:	
Serial No.: 29/209,017	:	DECISION ON PETITION
Filed: July 12, 2004	:	
For: Portion of a Shoe Upper	:	

This is in response to the petition applicant filed on September 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle
Director
Technology Center 3700/2900

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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NORMAN FRANKLIN LLOYD
4130 MONTEREY STREET
LOS ANGELES CA 90065

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SEP 25 2008
OFFICE OF PETITIONS

In re Application of	:	
Lloyd	:	
Application No. 29/209,043	:	DECISION
Filed 7 July, 2004	:	
Attorney Docket No. (None)	:	

This is a decision on the petition, filed on 14 February, 2008, under 37 C.F.R. §1.137(a) for revival of an application abandoned due to unavoidable delay.

The petition under 37 C.F.R. §1.137(a) is **DISMISSED**.

Any further petition to revive 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(a)."

Petitioner's alternative is to file a petition under 37 C.F.R. §1.137(b), discussed below.

This is **not** a final agency action within the meaning of 5 U.S.C.§704.

As to Allegations of
Unavoidable Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(a) are the petition and fee therefor, a reply, a proper showing of unavoidable delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner's attention is directed to the Office website at www.uspto.gov for the then-current fees applicable for a petition and to the Manual of Patent Examining Procedure

(http://www.uspto.gov/web/offices/pac/mpep/mpep.htm) for a discussion at MPEP §711.03(c) of a petition under 37 C.F.R. §1.137(b).

Petitioner's attention is directed to the the guidance in the Commentary in the Manual of Patent Examining Procedure at MPEP §711.03(c) as to any petition to revive.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on mailed on 4 April, 2006, with reply due under a non-extendable deadline on or before 5 July, 2006.

The instant application went abandoned by operation of law after midnight 5 July, 2006.

The Office mailed the Notice of Abandonment on 7 September, 2006.

Petitioner filed the instant petition with fee on 14 February, 2008, with a reply in the form of fees due, averring, *inter alia*, severe financial difficulties and previous inability to pay the fees due, with a terminal disclaimer and fee. However, Petitioner failed to detail the financial difficulties and set forth a calendaring of income and expenses for the period from the date of abandonment (after midnight 5 July, 2006) through the date of filing a grantable petition—Petitioner is cautioned to redact account numbers and the like from any and all records submitted.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

The availability of applications and application papers online to Petitioners/practitioners who diligently associate their Customer Number with the respective application(s) now provides practitioners on-demand information as to events/transactions in an application.

As to Allegations of Unavoidable Delay

The requirements under 37 C.F.R. §1.137(a) have not been satisfied as of this writing in that Petitioner failed to make the showing of unavoidable delay as required.

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(Petitioner obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(a) is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unavoidable delay or unintentional delay under 37 C.F.R. §1.137(a) or (b), respectively,. (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 petition fee, a terminal disclaimer and fee where appropriate 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:

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

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

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

United States Patent and Trademark Office

Instructions for Completing the Credit Card Payment Form

Credit Card Information

- Enter all credit card information including the payment amount to be charged to your credit card and remember to sign the form. The United States Patent and Trademark Office (USPTO) cannot process credit card payments without an authorized signature.

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Credit Card Billing Address

- Address information is required for credit card payment as a means of verification. Failure to complete the address information, including zip/postal code, may result in the payment not being accepted by your credit card institution.

Request and Payment Information

- Provide a description of your request based on the payment amount. For example, indicate the item as "basic filing fee" (patent) *or* "first maintenance fee" (patent maintenance fee) or "application for registration" (trademark) *or* "certified copy of a patent" (other fee).

- Indicate the nature of your request by the type of fee you wish to pay: Patent Fee, Patent Maintenance Fee, Trademark Fee or Other Fee. Complete information for each type of fee as applicable to identify the nature of your request. Indicate only one type of fee per form.

- If you are requesting and paying a fee based on a previously filed patent or trademark application, indicate the application/serial number, patent number or registration number that is associated with your request. "Other Fee" is used to request copies of patent and trademark documents, certified copies, assignments, and other information products.

- IDON numbers are assigned by the USPTO for customers ordering patent and trademark information and products specified as "Other Fee" on the order form. If you have been assigned an IDON number from a previous customer order, include it with your request.

- For more information on USPTO fees and amounts, refer to the current fee schedule at www.uspto.gov (click on the "Site Index" link, "Fees, USPTO" link). To request a copy by mail, call the USPTO Contact Center at (800) 786-9199 or (571) 272-1000. Information on mailing addresses is also available at www.uspto.gov (click on the "Site Index" link, "Mailing Addresses" link).

Protect Your Credit Card Information

- The USPTO strongly recommends using this form for credit card payments submitted by mail, facsimile, or by hand-delivery. To protect your credit card information use only this form and do not include credit card information on any other form or document.

- To protect your credit card information, **do not submit this form electronically** through "EFS-Web" or any other USPTO Internet site. Credit card information for electronic credit card payments should be entered exclusively on the USPTO Internet site providing electronic payment capability.

United States Patent and Trademark Office

Instructions for Completing the Credit Card Payment Form

Paperwork Reduction Act Statement

This Credit Card Payment Form (PTO-2038) is approved for use through 02/28/2009 under OMB Control Number 0651-0043. This collection of information is required by 15 U.S.C. § 1113 or 35 U.S.C. § 41 and 37 CFR 1.16-1.28, 1.492, or 2.6-2.7. The information must be provided by a member of the public if he or she chooses to pay a USPTO fee by credit card. This information is also used by the USPTO to charge the appropriate fee amount to the appropriate credit card account. This collection is estimated to take two minutes to complete, including gathering and preparing information and submitting the Credit Card Payment Form (PTO-2038) to the USPTO. Time will vary depending upon the individual case. Please send any comments on the amount of time required to complete this form and/or suggestions for reducing the time burden to the Chief Information Officer, USPTO, PO Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. PLEASE REFER TO THE USPTO WEB SITE, UNDER THE "SITE INDEX" LINK, "MAILING ADDRESSES" LINK FOR THE CORRECT MAILING ADDRESS.

Privacy Act Advisory Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the request for information solicited on the Credit Card Payment Form (PTO-2038). Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the authority for the collection of this information is 15 U.S.C. § 1113 or 35 U.S.C. § 41 and 37 CFR 1.16-1.28, 1.492, or 2.6-2.7; (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the USPTO is to charge the appropriate fee amount to the appropriate credit card account. If you do not furnish the requested information, the USPTO may not be able to charge the fee to the credit card or the credit card institution may refuse to accept the charge, either of which will result in the fee being treated as not having been paid.

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. § 552(a)). 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 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 the 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 from this system of records may be disclosed, as a routine use, to the Administrator, General Services Administration (GSA), or his 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.

PTO-2038 (09-2006)
Approved for use through 02/28/2009. OMB 0651-0043
United States 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.

Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)

Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type: ☐ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card Account #:

Credit Card Expiration Date:

Name as it Appears on Credit Card:

Payment Amount: $ (US Dollars):

Cardholder Signature: | Date:

Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of $25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.
Service Charge: There is a $50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)) .

Credit Card Billing Address

Street Address 1:

Street Address 2:

City:

State/Province: | Zip/Postal Code:

Country:

Daytime Phone #: | Fax #:

Request and Payment Information

Description of Request and Payment Information:

☐ Patent Fee	☐ Patent Maintenance Fee	☐ Trademark Fee	☐ Other Fee
Application No.	Application No.	Application No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

PTO/SB/64 (08-08)
Approved for use through 09/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it 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.

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.

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

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

NORMAN FRANKLIN LLOYD
4130 MONTEREY STREET
LOS ANGELES CA 90065

MAILED

FEB 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Lloyd	:	
Application No. 29/209,043	:	DECISION
Filed 7 July, 2004	:	
Attorney Docket No. (None)	:	

This is a decision on the petition, filed on 20 November, 2008, under 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee for, *inter alia*, a design application..

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on mailed on 4 April, 2006, with reply due under a non-extendable deadline on or before 5 July, 2006.

The instant application went abandoned by operation of law after midnight 5 July, 2006.

The Office mailed the Notice of Abandonment on 7 September, 2006.

On 14 February, 2008, Petitioner filed a petition pursuant to 37 C.F.R. §1.137(a), averring unavoidable delay, with fee, a reply in the form of fees due, averring, *inter alia*, severe financial difficulties and previous inability to pay the fees due, with a terminal disclaimer and fee. However, Petitioner failed to detail the financial difficulties and set forth a calendaring of income and expenses for the period from the date of abandonment (after midnight 5 July, 2006) through the date of filing a grantable petition with documentary support therefor. The petition was dismissed on 25 September, 2008, and Petitioner was cautioned to redact account numbers and the like from any and all records submitted.

On 20 November, 2008, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), averring unintentional delay, with fee, a reply having been formerly submitted in the form fees due, and made the statement of unintentional delay.

The record (including the petitions filed on 14 February and 20 November, 2008) does not necessitate a finding that the delay between midnight 5 July, 2006 (date of abandonment), and 20 November, 2008 (date of filing of grantable petition), was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on the duty of candor and good faith of Petitioner/Applicant Norman Franklin Lloyd when accepting Petitioner/Applicant's representation that the delay in filing the response was unintentional.[1]

The terminal disclaimer filed on 14 February, 2008, under 37 C.F.R. §1.137(d) is acknowledged/accepted.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

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[1] See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

[2] The regulations at 37 C.F.R. §1.137(d)(1) 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. Effective 20 September, 2000 (65 Fed. Reg. 54674, 8 September, 2000).

[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

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).[4]
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.

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.[5]))

As to Allegations of Unintentional Delay

It appears that the requirements under 37 C.F.R. §1.137(b) have been satisfied.

CONCLUSION

Accordingly, The petition under 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

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[4] 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.

[5] 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.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[6]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[6] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
29/209043			

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☑ APPROVED	☐ DISAPPROVED
Date Filed : 2/14/2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by: JG

U.S. Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/9/2006

TO SPE OF : ART UNIT 2900 (2915)

SUBJECT : Request for Certificate of Correction on Patent No.: D529,521

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 – 2900 South Tower ste.9A43A
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.

***Ok to delete inventor as req. in COCIN (10/24/2006) in Madras?**

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

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:

_____

_____

_____

_____

_____

Gary D. Watson — **SPE**

2915 — **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

TADASHI HORIE
BRINKS HOFER GILSON & LIONE
NBC TOWER, SUITE 3600
P.O. BOX 10395
CHICAGO IL 60610

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MAY 24 2005

OFFICE OF PETITIONS

In re Application of
Akinobu Kanza
Application No. 29/209,204
Filed: July 12, 2004
Att'y Docket No. 9353/258

: DECISION GRANTING PETITION

This is a decision on the petition filed May 16, 2005, in response to the Notice of Incomplete Nonprovisional Application mailed April 27, 2005, requesting that the above identified application be accorded a filing date of July 12, 2004. The petition is treated under 37 CFR 1.53.

On July 12, 2004 the application was filed.

On April 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, the present petition and 2 sheets of drawings, were filed. Petitioners argue that the drawings were filed with the other application papers on July 12, 2004. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of July 12, 2004, and the above-identified application number, and acknowledges receipt of, *inter alia*, drawings, was supplied with the present petition. Petitioner has also supplied copies of the drawings. Petitioner requests that the application, including the drawings, be accorded a filing date of July 12, 2004.

Upon review, the drawings purportedly deposited on July 12, 2004 have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 12, 2004, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 2 sheets of drawings, was complete on filing and entitled to a filing date of July 12, 2004.

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

The Notice of Incomplete Nonprovisional Application mailed April 27, 2004, is withdrawn. Therefore, the petition fee in the amount of $400.00 will be credited back to deposit account no. 23-1925.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of July 12, 2004, using the application papers filed on July 12, 2004 and the drawings supplied on May 16, 2005.

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

SEP 17 2004

JOSEPH J. VODHANEL, JR.
10937 GROVELAND AV
WHITTIER CA 90603

In re Application of	:	
Joseph J. Vodhanel, Jr.	:	
Serial No. 29/209,210	:	DECISION ON PETITION
Filed: July 8, 2004	:	
Title: Flying Disc For Disc Golf	:	

This is in response to applicants' petition filed July 13, 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

John E. Kittle
Director
Technology Center 3700/2900

OIPE
JUL 0 5 2005
PATENT & TRADEMARK OFFICE

PTO/SB/83 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	29/209,212
Filing Date	07/12/2004
First Named Inventor	Andreas Helbrecht
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	H092622

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/10/06
Jacqueline M. Stone, Director
Technology Center 1700/2900

Please withdraw me as attorney or agent for the above identified patent application, and

- [x] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [ ] the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: The Attorney of record has switched law firms.

CORRESPONDENCE ADDRESS

1. [x] The correspondence address is NOT affected by this withdrawal.
2. [ ] Change the correspondence address and direct all future correspondence to:

[ ] The address associated with Customer Number:

OR

[ ] Firm *or* Individual Name					
Address					
City		State		Zip	
Country					
Telephone				Email	
Signature	7.1.05				
Name	Patricia E. McQueeney		Registration No.	49,083	
Date	July 1, 2005		Telephone No.	(954) 522-2200	

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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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 of	:	
Muir, et al.	:	
Patent No. D515,681	:	
Issue Date: February 21, 2006	:	Decision on Petition
Application No. 29/209,225	:	
Filing Date: July 13, 2004	:	
Attorney Docket No. 102792-304(11351D1)	:	

This is a decision on the petition under 37 CFR § 1.183, filed April 17, 2006 (certificate of mailing date April 12, 2006), to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is also being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The petition under 37 CFR 1.183 is **dismissed as moot.**

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 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 not met the requirements set forth above because petitioners have not submitted a completed certificate of correction.

Regarding fees, petitioners submitted a $400.00 petition fee. Only a $130.00 processing fee is required. This leaves a $270.00 balance. In a reconsideration petition, petitioners should request that the Office apply $100.00 of the balance towards the $100.00 certificate of correction fee and refund the remainder to petitioners' deposit account.

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

The file is being forwarded to Files Repository.

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

Shirene Willis Brantley

Shirene Willis Brantley
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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NORRIS, MCLAUGHLIN & MARCUS
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

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In re Patent of	:	
Muir, et al.	:	
Patent No. D515,681	:	
Issue Date: February 21, 2006	:	Decision on Request
Application No. 29/209,225	:	
Filing Date: July 13, 2004	:	
Attorney Docket No. 102792-304(11351D1)	:	

This is a decision on the reconsideration request under 37 CFR 3.81 to accept the correction of the assignee data.

The request under 37 CFR 3.81 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.

Petitioners submitted a $400.00 petition fee. Only a $130.00 processing fee is required. This leaves a $270.00 balance that will be refunded to petitioners' deposit account.

The file is being forwarded to the Certificates of Correction Branch for issuance of a Certificate of Correction.

Telephone inquiries 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
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Norris, McLaughlin & Marcus P.A.
875 Third Avenue
18th Floor
New York, NY 10022

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OFFICE OF PETITIONS

In re Patent No. D512496 :
Issue Date: December 6, 2005 :
Application No. 29/209,226 : ON PETITION
Filed: July 13, 2004 :
Attorney Docket No. **102792-313/11353D1**

This is a decision on the petition filed January 12, 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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Alexandria, VA 22313-1450
www.uspto.gov

Norris, McLaughlin & Marcus P.A.
875 Third Avenue
18th Floor
New York, NY 10022

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MAY 0 1 2006
OFFICE OF PETITIONS

In re Patent No. D511569 :

Issue Date: November 15, 2005 :

Application No. 29/209,231 : ON PETITION

Filed: July 13, 2004 :

Attorney Docket No. **102792-311/111353D1**

This is a decision on the petition filed January 12, 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Dec. 2, 2005

TO SPE OF : ART UNIT 2915 (*Gary Watson*)

SUBJECT : Request for Certificate of Correction on Patent No.: D,510,991

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.
Please see the Assignee petition previously of record. Your denial or approval decision is needed below.

sp STACY POWELL

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 x120

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**

UNITED STATES PATENT
AND TRADEMARK OFFICE

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

Date Mailed: July 10, 2008
Patent No. :29/209260
Ser. No. :10/409530
Inventor(s) :Richard P. Harbutt, et al.
Issued :January 31, 2006
Title:AIR FRESHENER DEVICE

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 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.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Norris, McLaughlin & Marcus
P.O. Box 1018
Somerville, NJ 08876-1018

MD/mt

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WOOD AND EISENBERG, PLLC
6911 RICHMOND HIGHWAY
SUITE 403
ALEXANDRIA VA 22306

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JUN 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
MATHIS, MARTY D.	:	
Application No. 29/209,279	:	DECISION ON PETITION
Filed: 07/14/2004	:	
Attorney Docket No. 1262.62	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to submit corrected drawings on or before Monday, May 2, 2005, as required by the Notice of Allowability, mailed February 1, 2005. Accordingly, the application became abandoned on May 2, 2005. The Office mailed a Notice of Abandonment on August 3, 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 corrected drawings, (2) the petition fee of $ 750.00; (3) a proper statement of unintentional delay; and (4) a terminal disclaimer and fee. The terminal disclaimer is accepted and made of record.

This application 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

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
29/209,279	07/14/2004	Marty D. Mathis	1262.62

CONFIRMATION NO. 8219

OC000000024190924

41471
WOOD AND EISENBERG, PLLC
6911 RICHMOND HIGHWAY
SUITE 403
Alexandria, VA 22306

Date Mailed: 06/01/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2007.

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.

C. Y. Donnell

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY

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
29/209,279	07/14/2004	Marty D. Mathis	LSV667

CONFIRMATION NO. 8219

OC000000024190911

30245
ANTHONY EDW. J CAMPBELL
PO BOX 160370
AUSTIN, TX 78716

Date Mailed: 06/01/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

C. P. Donnell

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
NEW ATTORNEY/AGENT COPY

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WILMER CUTLER PICKERING HALE AND DORR
60 STATE STREET
BOSTON MA 02109

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JAN 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Alan Ball	:	
Application No. 29/209,316	:	ON PETITION
Filed: July 14, 2004	:	
Attorney Docket No. 113120-127	:	

This is a decision on the petition, filed December 30, 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 20, 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 December 30, 2005.

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

This matter is being forwarded to Technology Center Art Unit 2911 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

Commissioner for Patents
United States Patent and Trademark Office
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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

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MAR 1 8 2005

OFFICE OF PETITIONS

In re Application of	:
Michael Schaefer	:
Application No. 29/209,354	: DECISION REFUSING STATUS
Filed: July 13, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. DYOUP0274US	:
For: **HARMONICA**	:

This is a decision on the petition under 37 CFR 1.47(b), filed March 3, 2005 (certificate of mailing dated February 25, 2005.)

The petition under 37 CFR 1.47(b) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on July 13, 2004, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on August 25, 2004, requiring an executed oath or declaration, payment of the filing fee and a surcharge for the late filing of the oath or declaration. The instant petition was filed on March 3, 2005, responsively, along with a request for an extension of time within the fourth month.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks items (2) and (6) as set forth above.

As to item (2), petitioner failed to file a proper oath or declaration with the instant petition as required by 37 CFR 1.47. Section 409.03 (b) of the MPEP states, in pertinent part, that:

> [t]he 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.54 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person including an attorney or agent authorized to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent my simply state that he or she is authorized to sign on behalf of the corporation.

A review of the application file did not reveal an oath or declaration for the subject application executed by the 37 CFR 1.47(b) applicant. The 1.47(b) applicant should affix the signature of its representative underneath the signature block of the non-signing inventor and provide the

representative's title and address. With any renewed petition filed, petitioner must file a declaration that conforms to the MPEP section cited above.

As to item (6) above, no statement complying with Section 409.03(g) of the *Manual of Patent Examining Procedure* was found in the instant petition. A statement must accompany any renewed petition filed that "a filing date is necessary to preserve the rights of the party or to prevent irreparable damage."

It is noted that the fee for the extension of time within the fourth month ($795.00) was charged twice to petitioner's credit card and that the petition fee was not charged at all. Accordingly, the amount of $200.00 will be earmarked from the funds taken for the duplicate payment of the extension of time and the remainder of $595.00 will be refunded, in due course.

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
Attn: Office of Petitions

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

Kenya McLaughlin

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

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

COPY MAILED

JUN 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Michael Schaefer	:	
Application No.: 29/209,354	:	
Filed: July 13, 2004	:	DECISION ACCORDING
Attorney Docket No: DYOUP0274US	:	STATUS UNDER
For: HARMONICA	:	RULE 47(b)

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 12, 2005.

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.

The above-identified application was filed on July 13, 2004, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on August 25, 2004, requiring an executed oath or declaration, payment of the filing fee and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(b) was filed on March 3, 2005, and dismissed by a decision mailed March 18, 2005. The instant renewed petition was then filed on May 12, 2005.

By the instant renewed petition and evidentiary documents, petitioner has established that the sole inventor is unavailable and that 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the sole inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor's 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 processing.

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

Kenya A. McLaughlin

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

Michael Schaefer
Schaefer-Design
Einwanggabe 23
A-1140
Wein, Austria

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JUN 06 2005

OFFICE OF PETITIONS

In re Application of :
Michael Schaefer :
Application No.: 29/209,354 :
Filed: July 13, 2004 : LETTER
Attorney Docket No: DY)UP0274US :
For: HARMONICA

Dear Mr. Schaefer:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the sole 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 Kenya A. McLaughlin at (571) 272-3222. 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).

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

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 02 2004

SAIDMAN DESIGNLAW GROUP
1110 BONIFANT STREET, SUITE 510
SILVER SPRING MD 20910

In re Application of	:	
Christopher Hardy et al	:	
Serial No.: 29/209,367	:	DECISION ON PETITION
Filed: July 15, 2004	:	
For: Portion of a Mesh Basket	:	

This is in response to the petition applicant filed on July 15, 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

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

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314

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NOV 3 0 2005

OFFICE OF PETITIONS

In re Patent No. D505557 :
Issued May 31, 2005 :
Application No. 29/209,426 : DECISION ON PETITION
Filed: July 16, 2004 :
Attorney Docket No. NGED3001/EM :

This is a decision on the petition filed August 18, 2005, under 37 CFR 1.182, requesting a certificate of correction to correct the name of the inventor.

A review of Office PALM records indicates that the correction has been made and that the inventor's name has been corrected as follows:

Eddie Tit Lun NG

In view thereof, the petition fee in the amount of $130.00 paid with the petition and $270.00 charged to petitioner's deposit account will be credited back to deposit account no. 02-0200. It should be noted that petitioner's deposit account had been charged because effective December 8, 2004, the fees for a petition under 37 CFR 1.182 were increased from $130.00 to $400.00.

This matter is being referred to the Certificate of Corrections Branch for issuance of a certificate of correction. Questions regarding the certificate of correction should be directed to that branch at 703-305-8309, inquiries regarding 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

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P.O. Box 1450
Alexandria, VA 22313-1450
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MOORE & VAN ALLEN
P. O. BOX 13706
430 DAVIS DRIVE
SUITE 500
RTP, NC 27709

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MAR 21 2007

OFFICE OF PETITIONS

In re Application of Lars Olsen et al Application No. 29/209,464 Filed: July 16, 2004 Attorney Docket No. 01237-000050	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 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.

This application became abandoned for failure to timely pay the issue fee on or before July 5, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2006. Accordingly, the date of abandonment of this application is July 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).

There is no indication that a power of attorney was ever submitted in this application. Accordingly, if the terminal disclaimer is signed by a registered patent practitioner, an acceptable power of attorney must be submitted.

Further, as petitioner here is not an attorney of record, the request to change the correspondence address is improper.

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.**

Additionally, the reply to this decision on petition may be filed by the Electronic Filing System (EFS).

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
www.uspto.gov

MOORE & VAN ALLEN
P. O. BOX 13706
SUITE 500
RTP, NC 27709

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AUG 17 2007

OFFICE OF PETITIONS

In re Application of
Lars Olsen et al
Application No. 29/209,464
Filed: July 16, 2004
Attorney Docket No.
01237-000050

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 31, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 5, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2006. Accordingly, the date of abandonment of this application is July 6, 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 $400, (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 Notice of April 4, 2006 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 appropriate processing in accordance with this decision accepting the late payment of the issue fee.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE G. Watson

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 29/209,468

Paper No.: _____

DATE : 10/1/05

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D508465

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.

Lamonte M. Newsome

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:

_____

_____

_____

_____

_____

SPE — 2915 Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 24, 2005

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction on Patent No.: D507,242

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.

Magdalene Talley

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9309 ext. 116

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**

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

Richard P. Berg, Esq.
c/o Ladas & Parry
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

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MAR 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Kenneth Kung	:	
Application No. 29/209,497	:	DECISION GRANTING
Filed: July 16, 2004	:	PETITION
Attorney Docket No. B-5441 621890-2	:	

This is a decision on the petition filed January 31, 2005, requesting that the above-identified application be accorded a filing date of July 16, 2004, rather than the presently accorded date of July 15, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail Service on July 16, 2004. In support, the petition is accompanied by a copy of Express Mail receipt No. EV336516925US, showing a "date-in" of July 16, 2004. The same Express Mail receipt number was referred to in the original application papers found in the file.

The Office considers the date the paper or fee shown as deposited as "Express Mail" to be the "date-in" on the Express Mail label. See MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the U. S. Postal Service on July 16, 2004 and the filing date of the application will be accorded such.

This application file is being forwarded to the Office of Initial Patent Examination Division for further **processing with a filing date of July 16, 2004.** Thereafter, the application file will be forwarded to Technology Center 2900 for examination in due course.

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

Marianne E. Jenkins
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

Richard P. Berg, Esq.
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles CA 90036-5679

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FEB 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Kung :
Application No. 29/209,497 : ON PETITION
Filed: July 16, 2004 :
Attorney Docket No. B-5441 621890-2 :
For: COMBINED FAN AND LIGHT

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2006 (certificate of mailing date October 19, 2006), to revive the above-identified application.

This application became abandoned for failure to timely submit the issue fee, the publication fee, and corrected formal drawings within three (3) months of the mail date of the Notice of Allowance and Fee(s) Due and the Notice of Allowability, both mailed on July 6, 2006. Accordingly, this application became abandoned on October 7, 2006. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicant has submitted a proper reply in the form of the issue fee, the publication fee, a completed PTOL-85(B), and corrected formal drawings, an acceptable statement of the unintentional nature of the delay in responding to the July 6, 2006 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

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 21 2006

OFFICE OF PETITIONS

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-2202

In re Application of	:
Hills	: DECISION ON PETITION
Application No. 29/209,503	:
Filed: July 16, 2004	:
Atty. Docket No.: 32699.4500	:

This is a decision on the petition under 37 CFR 1.137(b), filed March 30, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned February 5, 2006 for failure to timely submit formal drawings as required by the Notice of Allowability mailed November 4, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 20, 2006.

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.

This application is being 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

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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FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

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OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Clarke	:	
Application No.: 29/209,509	:	ON PETITION
Filed: July 16, 2004	:	
Attorney Docket No: 69021	:	

This is in response to the petition under 37 CFR 1.137(b) filed October 13, 2006.

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 October 19, 2005, shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period. The application became abandoned on November 10, 2004. A Notice of Abandonment was mailed on July 11, 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(c).

The instant petition does not satisfy the requirement of item (1) above.

Item (1) above has not been satisfied because of the failure to file Form PTOL-85B with the instant petition authorizing payment of the issue fee. The request for continued prosecution application is noted, but the filing of the continued prosecution application does not eliminate the requirement to pay the issue fee in order for the application to be revived. Further to this point, section 711.03(c) of the Manual of Patent Examining Procedure provides, in pertinent part, that:

> While the revival of applications abandoned for failure to timely prosecute and for failure to timely pay the issue fee are incorporated together in 37 CFR 1.137, the statutory provisions for the revival of an application abandoned for failure to timely prosecute and for failure to timely submit the issue fee are mutually exclusive. See *Brenner v. Ebbert*, 398 F.2d 762, 157 USPQ 609 (D.C. Cir. 1968). 35 U.S.C. 151 authorizes the acceptance of a delayed payment of the issue fee, if the issue fee "is submitted ... and the delay in payment is shown to have been unavoidable." 35 U.S.C. 41(a)(7) likewise authorizes the acceptance of an "unintentionally delayed payment of the fee for issuing each patent." Thus, 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.

Accordingly, petitioner must pay the issue fee in order to revive the application. A copy of Form PTOL-85B 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
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

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

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTOL-85B

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 (571) 273-2885

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)

24201 7590 10/19/2005

FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

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 (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/209,509	07/16/2004	Christopher J. Clarke	69021	4717

TITLE OF INVENTION: AUTOMATIC CLAMP DEVICE WITH OFFSET RELEASE TAB

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$800	$0	$800	01/19/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
YU, DANIEL S	2914	D24-129000

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.

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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CA 90045

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FEB 2 0 2007

OFFICE OF PETITIONS

In re Application of

Christopher J. Clarke

Application No. 29/209,509

Filed: July 16, 2004

Attorney Docket No. 69021

: DECISION ON

: PETITION

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

The 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 October 19, 2005, shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period. The application became abandoned on January 20, 2006. A Notice of Abandonment was mailed on July 11, 2006. A petition under 37 CFR 1.137(b) was filed on October 13, 2006, and dismissed by a decision mailed November 20, 2006.

The issue fee payment was received on December 11, 2006, are noted.

The request for Continuing Prosecution Application, filed October 13, 2006, is noted.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on October 13, 2006. Under the circumstances of the above-identified application, the requirement in 37 CFR 1.137(d) for a terminal disclaimer is hereby *sua sponte* waived. See 37 CFR 1.183.

The amount of $790.00 that was paid for the improper Request for Continued Examination filed January 23, 2006, will be refunded in due course.

The application is being forwarded to the Office of Initial Patent Examination for recognition of the Continued Prosecution Application filed October 13, 2006, contained in the application file.

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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 28, 2006

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/209540 Patent No.: D,508,857

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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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 M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912
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

Date :05/25/07

Patent No. : D537719 S
Ser. No. : 29/209,603
Inventor(s) : SEIDITA, THOMAS M.
Issued : 03/06/07
Title : **CROWN-LIKE PLASTIC CLOSURE**
Docket No. : HWR-0176DP

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
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

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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OFFICE OF PETITIONS

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

In re Patent No. D537719 :
Issue Date: March 6, 2007 :
Application No. 29/209,603 : ON PETITION
Filed: July 19, 2004 :
Attorney Docket No. HWR-0176DP :

This is a decision on the petition filed June 22, 2007, 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.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

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
www.uspto.gov

Rockwell Automation, Inc.
Attention: Susan M. Donahue
1201 South Second Street
Milwaukee WI 53204

COPY MAILED

MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of
Sichner, et al.
Application No.: 29/209,611
Filed: July 19, 2004
Attorney Docket No. 04AB154/ROKZ 2 00014

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed March 2, 2005 (certificate of mailing date February 28, 2005), requesting that the above-identified application be accorded a filing date of July 17, 2004, instead of the presently accorded date of July 19, 2004.

Petitioners request the earlier filing date based on the allegation that the application was deposited in Express Mail service with the U. S. Postal Service, on July 17, 2004. In support, petitioners provided a copy of the Express Mail label, receipt no. EV471020358US, showing a Date-In of "7 17 04." The same Express Mail receipt number was referred to in the original Design Application Transmittal Letter submitted with the original filing. Petitioners request that the application be accorded a filing date of July 17, 2004.

The Office considers the date the paper or fee is shown to have been deposited as Express Mail to be the Date- In on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as Express Mail with the U.S. Postal Service on July 17, 2004.

In view of the above, the petition is granted. As this is a feeless petition, no petition fee has been or will be charged.

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.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of **July 17, 2004** and the mailing of a corrected filing receipt.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: STEVEN M. HAAS
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, 7TH FLOOR
CLEVELAND, OH 44114

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 18, 2007

TO SPE OF : ART UNIT ~~1600~~ 2916

SUBJECT : Request for Certificate of Correction for Appl. No. 29/209613 patent no.D534274

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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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

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

ROCKWELL AUTOMATION, INC.
ATTENTION: SUSAN M. DONAHUE
1201 SOUTH SECOND STREET
MILWAUKEE, WI 53204

COPY MAILED

MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Sichner et al. :
Application No. 29/209,614 :
Filed: July 17, 2004 : ON PETITION
Atty Dckt No.: 04AB152 :

This is a decision in response to the Petition to Correct Filing Date, filed March 2, 2005, requesting the application be accorded a filing date of July 17, 2005, instead of the presently accorded filing date of July 19, 2005. The correspondence is properly treated under 37 CFR 1.10

This Petition is hereby **granted**.

Petitioner alleges that the application was deposited in Express Mail service on July 17, 2005. In support of this assertion, the petition is accompanied by a copy of Express Mail label No. EV471020344US. A review of the Express Mail label, No. EV471020344US, reveals that the "Date In" indicated on the Express Mail label is July 17, 2004. 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 has been charged and none is due.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/209,614	07/17/2004	2912	340	04AB152	2	1	1

CONFIRMATION NO. 6160

CORRECTED FILING RECEIPT

OC000000015523962

Rockwell Automation, Inc.
Attention: Susan M. Donahue
1201 South Second Street
Milwaukee, WI 53204

Date Mailed: 03/21/2005

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)

Gregg M. Sichner, Mentor, OH;
Douglas A. Lostoski, Richfield, OH;
Robert J. Hager, Windsor, OH;
Robert A. Kozlowski, Twinsburg, OH;

Power of Attorney: The patent practitioners associated with Customer Number **027885**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/716,080 11/17/2003
and is a CIP of 10/716,081 11/17/2003

Foreign Applications

If Required, Foreign Filing License Granted: 09/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/209,614

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

I/O module

Preliminary Class

D13

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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7-6-06

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

In re Application of INA ET AL.	:	
Appl. No.: 29/209,622	:	PETITION DECISION
Filed: July 20, 2004	:	
For: Component Extractor	:	

This is a decision on the petition under 37 CFR 1.181 received March 27, 2005, to withdraw holding of abandonment.

The petition is GRANTED.

With the 4/20/2005 Notice of Allowance the examiner required a drawing correction:

> "In Fig. 9, the vertical panel on the right side of the drawing measures longer than it does in Figs. 1-8."

Applicant filed an amendment under 37 CFR 1.312 requesting the required correction be reconsidered and withdrawn because the drawings were correct as filed. On 12/13/2005 the request for withdrawing the required correction was disapproved.

The drawings, the examiner's requirement and applicant's arguments have been carefully reviewed. The drawings as originally filed are correct in regard to the examiner's objection. Any difference in the length of the vertical panel in Fig. 9 compared to Figs. 1 and 8 are due to differences in scale among the views and to slight but typical dimensional variations between isometric views and elevation views.

Dimensional accuracy is best determined by comparing elevation views. When the dimensions in Fig. 9 are compared with their counterparts in Fig. 7, the size and shape of the features are perfectly congruous. The correction required by the examiner is not warranted.

This application is being returned to the examiner for further action not inconsistent with this decision.

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

js

Jacqueline M. 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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7-6-06

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON VA 22202

In re Application of INA ET AL.	:	
Appl. No.: 29/209,622	:	PETITION DECISION
Filed: July 20, 2004	:	
For: Component Extractor	:	

This is a decision on the petition under 37 CFR 1.181 received March 27, 2005, to withdraw holding of abandonment.

The petition is GRANTED.

With the 4/20/2005 Notice of Allowance the examiner required a drawing correction:

> "In Fig. 9, the vertical panel on the right side of the drawing measures longer than it does in Figs. 1-8."

Applicant filed an amendment under 37 CFR 1.312 requesting the required correction be reconsidered and withdrawn because the drawings were correct as filed. On 12/13/2005 the request for withdrawing the required correction was disapproved.

The drawings, the examiner's requirement and applicant's arguments have been carefully reviewed. The drawings as originally filed are correct in regard to the examiner's objection. Any difference in the length of the vertical panel in Fig. 9 compared to Figs. 1 and 8 are due to differences in scale among the views and to slight but typical dimensional variations between isometric views and elevation views.

Dimensional accuracy is best determined by comparing elevation views. When the dimensions in Fig. 9 are compared with their counterparts in Fig. 7, the size and shape of the features are perfectly congruous. The correction required by the examiner is not warranted.

This application is being returned to the examiner for further action not inconsistent with this decision.

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

js

Jacqueline M. Stone
Director, Technology Center 1700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6-2-06

TO SPE OF : ART UNIT 2915

29/209623

SUBJECT : Request for Certificate of Correction on Patent No.: D510008

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:

Gary R. Walton — **SPE**

2915 — **Art Unit**

Copied from 10209623 on 07/03/2007

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MACMILLAN SOBANSKI & TODD LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER ST
TOLEDO OH 43604

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SEP 24 2004

OFFICE OF PETITIONS

In re Application of	:	
Henry Milan	:	
Application No. 29/209,628	:	ON PETITION
Filed: July 19, 2004	:	
Attorney Docket No. 16800	:	

This is a decision on the "PETITION UNDER 37 CFR 1.10(c)", filed September 1, 2004, to accord the above-identified application a filing date of July 19, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on July 19, 2004, not July 20, 2004. In support thereof, petitioner has included a copy of a cover sheet itemizing the application, bearing Express Mail number EV 506650056 US. Petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EV 506650056 US was "en route" on July 19, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, Petitioner has not included a true copy of the Express Mail label for the above-identified application. However, this requirement is being waived by the Office *sua sponte* in light of the corroborating USPS website evidence.

In view of the above, the application is entitled to a filing date of July 19, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **July 19, 2004, not July 20, 2004.**

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/02/07

TO SPE OF : ART UNIT 3625

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/209720** Patent No.: **D540464**

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: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

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JACOBSON HOLMAN PLLC
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SUITE 600
WASHINGTON, DC 20004

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JAN 1 6 2008

OFFICE OF PETITIONS

In re Application of :
Marco Bramani :
Application No. 29/209,728 : ON PETITION
Filed: July 21, 2004 :
Attorney Docket No. 39297/GM/1P :

This is a decision on the petition, filed September 13, 2007, to revive the above-identified application under 37 CFR 1.137(b).

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 pay the issue fee and submit a substitute oath or declaration on or before June 25, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed March 23, 2007. Accordingly, the application became abandoned on June 26, 2007. A Notice of Abandonment was mailed on July 19, 2007. In response, on September 13, 2007, the present petition was filed.

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

[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.

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)(II)(C) and (D).

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

As to item (1)

The substitute declaration is not in compliance with 37 CFR 1.67, inasmuch as the declaration is not executed.

As to 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 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).

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

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

In re Application of
Marco Bramani
Application No. 29/209,728
Filed: July 11, 2004
Attorney Docket No. 39297/GM/1P

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 8, 2008, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee and submit a substitute oath or declaration on or before June 25, 2007, as required by the Notice of Allowance and Fee(s) Due and Notice of Allowability mailed March 23, 2007, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on July 19, 2007. In response, on September 13, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 16, 2008. On February 8, 2008, the present petition was filed.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $400 issue fee and a substitute declaration, (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). Accordingly, the failure to timely pay the issue fee as required by the Notice of March 23, 2007 is accepted as being unintentionally delayed.

The terminal disclaimer filed February 8, 2008 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 the Office of Data Management to be processed into a patent.

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

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE: G. Watson

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/14/07

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/209,750 Patent No.: D512,928

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**.

Lamonte M. 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: _____

Harold D Watson — SPE

2915 — Art Unit

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THOMAS A. BECK
26 ROCKLEDGE LANE
NEW MILFORD, CT 06776

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JUL 14 2006
OFFICE OF PETITIONS

In re Application of	:
A. Jon Prusmack	:
Application No. 29/209,763	: DECISION ON PETITION
Filed: July 20, 2004	: UNDER 37 CFR 1.137(b)
For: TELESCOPING CAMOUFLAGE POLE	:

This is a decision on the petition under 37 CFR 1.137(b), filed May 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** 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(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 rule at 37 CFR 1.137(d) requires submission of a terminal disclaimer and fee with any petition to revive. Accordingly, before revival of this application can be effected, a properly submitted terminal disclaimer and fee are required.

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

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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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THOMAS A. BECK
26 ROCKLEDGE LANE
NEW MILFORD, CT 06776

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of :
A. Jon Prusmack :
Application No. 29/209,763 : DECISION ON PETITION
Filed: July 20, 2004 : UNDER 37 CFR 1.137(b)
For: TELESCOPING CAMOUFLAGE POLE :

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

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 presently appears to not satisfy item (4).

This application became abandoned for failure to timely pay the issue fee on or before July 20, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed April 20, 2005. Additionally, the Notice of Allowability mailed April 20, 2005 required by the submission of corrected replacement drawings. Although the issue fee payment was presented on May 16, 2005, the fee submitted was

insufficient. Drawings were received on May 31, 2005. A Notice of Abandonment was mailed on September 20, 2005.

The decision mailed on July 14, 2006, dismissed the petition to revive under 37 CFR 1.137(b) because a terminal disclaimer as required by 37 CFR 1.137(d) had not been submitted.

The present renewed petition is accompanied by a terminal disclaimer (and fee of $65), which indicates that A. Jon Prusmack is the owner of 100% interest in the above-identified application. However, a review of Office assignment records discloses that A. Jon Prusmack, in an assignment recorded in the USPTO on October 17, 2006, assigned his entire right, title, and interest to DHS Systems, LLC, on July 30, 2004. Accordingly, the terminal disclaimer appears to not be acceptable since Office records fail to disclose that A. Jon Prusmack was the owner of 100% interest of this application at the time of filing of the instant terminal disclaimer.

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

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

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

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

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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THOMAS A. BECK
6136 WEST KIMBERLY WAY
GLENDALE, AZ 85308-7627

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AUG 14 2007

OFFICE OF PETITIONS

In re Application of	:	
A. Jon Prusmack	:	
Application No. 29/209,763	:	DECISION ON PETITION
Filed: July 20, 2004	:	
For: TELESCOPING CAMOUFLAGE POLE	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 2, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 20, 2005, as required by the Notice of Allowance and Fee(s) Due mailed April 20, 2005. Additionally, the Notice of Allowability mailed April 20, 2005 required the submission of corrected replacement drawings. Although the issue fee payment was presented on May 16, 2005, the fee submitted was insufficient. Drawings were received on May 31, 2005. A Notice of Abandonment was mailed on September 20, 2005.

A first petition to revive was filed on May 1, 2006 and was dismissed in a decision mailed July 14, 2006 for failing to provide a terminal disclaimer in accordance with 37 CFR 1.137(d). A renewed petition was filed on August 22, 2006 and was dismissed in a decision mailed January 17, 2007 for failing to provide the correct assignee of record in the assignment records of the USPTO on the terminal disclaimer. This second renewed petition was not filed within the time period provided in 37 CFR 1.137(e), although within the extendable period provided by 37 CFR 1.136(a).

The rule at 37 CFR 1.137(e) states:

> Any request for reconsideration or review of a decision refusing to revive an abandoned application

> * * *upon petition filed pursuant to this section, to be considered timely, must be filed within two months of the decision refusing to revive or within such time as set in the decision. Unless a decision indicates otherwise, this time period may be extended under:
>
> (1) The provisions of § 1.136 for an abandoned application or lapsed patent * * *.

See also MPEP 711.03(c)(2)(H). As the period set for reconsideration in the decision under 37 CFR 1.137(b) is a time period as opposed to a shortened statutory period, extensions of time are available up to five months under 37 CFR 1.136(a). Accordingly, as authorized, the $1,080 five-month extension of time fee has been assessed to petitioner's deposit account.

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.

As requested, applicant's address has been updated in the record of this file.

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

This application is being referred to the Publishing Division for further processing in accordance with this decision on petition accepting the delayed payment of the issue fee.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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APR 0 3 2006

REEXAM UNIT

HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY MO 64108

In re Application of	:	
Laverick et al	:	DECISION GRANTING PETITION
Appl. No. 29/209,795	:	UNDER 37 CFR 1.183
Filed July 21, 2004	:	
Atty. Docket No. 27668RE-DIV	:	

This is a decision on the applicant's PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE THE REQUIREMENTS OF 37 C.F.R. § 1.153, which was filed December 12, 2005, under 37 CFR 1.183, and requests a waiver (suspension) of 37 CFR 1.153(a).

The petition is before the Office of Patent Legal Administration for decision.

The petition is granted.

BACKGROUND

1. The present application, Appl. No. 29/209,795, was filed July 21, 2004, as an application for reissue of Design Patent D427919 (the'919 patent).

2. Appl. No. 29/209,795 is a divisional application of Appl. No. 29/157,604, filed January 9, 2002, for reissue of the '919 patent.

3. On September 12, 2005, a non-final Office action was issued. The single claim of the present reissue application was rejected under 35 U.S.C. 171 on the ground of double patenting. The Office action advised (page 2, last sentence):

   "Also, a petition should be filed under 37 C.F.R. 1.183 to wave the requirements set forth under 37 C. F. R. 1.153."

   This advice was apparently provided to permit the inclusion, contrary to 37 CFR 1.153, of multiple design embodiments

which are patentably distinct (patentably distinct segregable parts or subcombination subject matter) in a single design application - the instant design application. Absent a waiver of 37 CFR 1.153, this application would objected to under 37 CFR 1.153 if amended such that the application is directed to patentably distinct subject matter disclosed in the drawings thereof.

4. On December 12, 2005, the present PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE THE REQUIREMENTS OF 37 C.F.R. § 1.153 was filed requesting waiver of 37 CFR 1.153(a), to permit the disclosure of the patentably distinct subject matter referred to in the Office action to be supported by the single claim in the reissue application.

DECISION ON PETITION UNDER 37 C.F.R. § 1.183

Pursuant to the last sentence of 37 CFR 1.153(a), "[m]ore than one claim is neither required nor permitted" in a design application. The case law [1] has upheld this long standing practice of the Office as proper and not in conflict with the applicable statutes.[2] The case law has interpreted the regulation (37 CFR 1.153(a)) to preclude the inclusion of multiple design embodiments which <u>are patentably distinct</u> in a single design application. A design patent covers only the design disclosed as an entirety, and does not extend to patentably distinct segregable parts or subcombination subject matter. [3] Patentably distinct combination/subcombination subject matter must be supported by separate claims,[4] and thus separate patents.

35 U.S.C. 251 has been held by the Court of Appeals for the Federal Circuit to permit the correction of an inadvertent failure to add a second invention. *See In re Amos*, 953 F.2d 613, 618, 21 USPQ2d 1271, 1274 (Fed. Cir. 1991). Accordingly, if a design patent is issued for an entire article as disclosed, and, in the prosecution of the original application, applicant erroneously failed to (a) include the design for subcombinations thereof in the application (which would have been considered patentably distinct subject matter and treated accordingly), or

---

[1] *Ex parte Wiessner*, 1898 C.D. 236, 85 O.G. 937; *In re Eppinger*, 25 CCPA 843, 94 F.2d 401, 36 USPQ 325; *In re Rubinfield*, 270 F2d 391, 123 USPQ 210 (CCPA 1959).

[2] 35 U.S.C. 171, 35 U.S.C. 112, 35 U.S.C. 121.

[3] *Ex parte Wiessner, supra; Ex parte Sanford,* 1914 C.D. 69, 204 O.G. 1346 (Comm'r Pat. 1914); *Blumcraft of Pittsburgh v Ladd,* 144 USPQ 562 (D.D.C. 1965); *KeyStone Retaining Wall System Inc. v. Westrock Inc.*, 27 USPQ2d 1297 (CAFC 1993).

[4] *Ex parte Wiessner, supra; Ex parte Sanford supra; Blumcraft of Pittsburgh v Ladd, supra.*

(b) file voluntary divisional applications simultaneously with the original application or prior to its issuance; then a reissue design application can be filed to claim both the entire article and patentably distinct subcombinations. [5]

Where such a reissue application is filed, and the design for the patentably distinct subcombinations are found to be allowable, and the originally patented design for the entire article is found allowable *without change from the patent*, separate reissue patents cannot be supported. This is because the already-patented design for the entire article cannot support its own patent, since there is no "error" to be corrected under 35 U.S.C. 251. Yet, the patentably distinct design inventions cannot be provided in a single application for the reason discussed above. This presents a dilemma for the reissue applicant, because, if a reissue patent is issued to the patentably distinct subcombinations, the reissue patent will replace the original patent, and patentee will lose protection for the originally patented design for the entire article.

In order to resolve this dilemma and provide the relief called for by 35 U.S.C. 251 in the instance of a design reissue application, it is appropriate to waive the design rule (37 CFR 1.153) to permit the joinder of (1) the design to the entire article (of the original patent) and (2) the subcombination designs (added via reissue) under a single claim in a single design reissue application, for issuance as a reissue patent. An extraordinary situation, as called for in 37 CFR 1.183,[6] exists here, since applicant/patentee cannot obtain the relief mandated by 35 U.S.C. 251, unless the rule is waived to permit all designs to issue in one reissue patent. Thus, waiver of the rule is justified. It is to be noted that 35 U.S.C. 251 has been held by the Court of Appeals for the Federal Circuit to be <u>a remedial statute</u> in permitting correction of patents, for example, in the decision of *In re Weiler*

---

[5] Such a reissue application must be filed within two years of the issuance of the design patent, since it is considered a broadening of the scope of the patent claim.

[6] 37 CFR 1.183 states:
In an **extraordinary situation**, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. [Emphasis added]

et al, 790 F. 2d at 1579, 229 USPQ at 675 (Fed. Cir. 1986). ("In enacting the statute, Congress provided a statutory basis for correction of 'error.' The statute is remedial in nature, based on fundamental principles of equity and fairness, and should be construed liberally."). The present decision is consistent with the Federal Circuit's position as to the remedial nature of 35 U.S.C. 251.

In this instance, the principles of equity and fairness dictate a waiver of 37 CFR 1.153(a) to permit the matter asserted by the Office to be patentably distinct designs to be supported by the single claim in the present reissue application.

CONCLUSION

1. The petition under 37 CFR 1.183 is **granted** to waive 37 CFR 1.153(a) and thus permit the matter asserted by the Office to be patentably distinct designs to be supported by the single claim in the present reissue application.

2. Jurisdiction over the reexamination proceeding is being returned to Technology Center 2900 for further examination not inconsistent with this decision.

3. Telephone inquiries related to this decision should be directed to Joel Sincavage, Technology Center 2900, Design Practice Specialist, at (571)272-2610, or in his absence to the undersigned at 571-272-7710.

_____

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

3-6-06
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HOVEY WILLIAMS LLP
2405 GRAND BLVD., SUITE 400
KANSAS CITY MO 64108

In re Application of	:	
Laverick et al	:	DECISION GRANTING PETITION
Appl. No. 29/209,795	:	UNDER 37 CFR 1.183
Filed July 21, 2004	:	
Atty. Docket No. 27668RE-DIV	:	

This is a decision on the applicant's PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE THE REQUIREMENTS OF 37 C.F.R. § 1.153, which was filed December 12, 2005, under 37 CFR 1.183, and requests a waiver (suspension) of 37 CFR 1.153(a).

The petition is before the Office of Patent Legal Administration for decision.

The petition is granted.

BACKGROUND

1. The present application, Appl. No. 29/209,795, was filed July 21, 2004, as an application for reissue of Design Patent D427919 (the'919 patent).

2. Appl. No. 29/209,795 is a divisional application of Appl. No. 29/157,604, filed January 9, 2002, for reissue of the '919 patent.

3. On September 12, 2005, a non-final Office action was issued. The single claim of the present reissue application was rejected under 35 U.S.C. 171 on the ground of double patenting. The Office action advised (page 2, last sentence):

   "Also, a petition should be filed under 37 C.F.R. 1.183 to wave the requirements set forth under 37 C. F. R. 1.153."

   This advice was apparently provided to permit the inclusion, contrary to 37 CFR 1.153, of multiple design embodiments

which are patentably distinct (patentably distinct segregable parts or subcombination subject matter) in a single design application - the instant design application. Absent a waiver of 37 CFR 1.153, this application would objected to under 37 CFR 1.153 if amended such that the application is directed to patentably distinct subject matter disclosed in the drawings thereof.

4. On December 12, 2005, the present PETITION UNDER 37 C.F.R. § 1.183 TO WAIVE THE REQUIREMENTS OF 37 C.F.R. § 1.153 was filed requesting waiver of 37 CFR 1.153(a), to permit the disclosure of the patentably distinct subject matter referred to in the Office action to be supported by the single claim in the reissue application.

DECISION ON PETITION UNDER 37 C.F.R. § 1.183

Pursuant to the last sentence of 37 CFR 1.153(a), "[m]ore than one claim is neither required nor permitted" in a design application. The case law [1] has upheld this long standing practice of the Office as proper and not in conflict with the applicable statutes.[2] The case law has interpreted the regulation (37 CFR 1.153(a)) to preclude the inclusion of multiple design embodiments which <u>are patentably distinct</u> in a single design application. A design patent covers only the design disclosed as an entirety, and does not extend to patentably distinct segregable parts or subcombination subject matter. [3] Patentably distinct combination/subcombination subject matter must be supported by separate claims,[4] and thus separate patents.

35 U.S.C. 251 has been held by the Court of Appeals for the Federal Circuit to permit the correction of an inadvertent failure to add a second invention. *See In re Amos*, 953 F.2d 613, 618, 21 USPQ2d 1271, 1274 (Fed. Cir. 1991). Accordingly, if a design patent is issued for an entire article as disclosed, and, in the prosecution of the original application, applicant erroneously failed to (a) include the design for subcombinations thereof in the application (which would have been considered patentably distinct subject matter and treated accordingly), or

---

[1] *Ex parte Wiessner*, 1898 C.D. 236, 85 O.G. 937; *In re Eppinger*, 25 CCPA 843, 94 F.2d 401, 36 USPQ 325; *In re Rubinfield*, 270 F2d 391, 123 USPQ 210 (CCPA 1959).

[2] 35 U.S.C. 171, 35 U.S.C. 112, 35 U.S.C. 121.

[3] *Ex parte Wiessner, supra; Ex parte Sanford,* 1914 C.D. 69, 204 O.G. 1346 (Comm'r Pat. 1914); *Blumcraft of Pittsburgh v Ladd,* 144 USPQ 562 (D.D.C. 1965); *KeyStone Retaining Wall System Inc. v. Westrock Inc.*, 27 USPQ2d 1297 (CAFC 1993).

[4] *Ex parte Wiessner, supra; Ex parte Sanford supra; Blumcraft of Pittsburgh v Ladd, supra.*

(b) file voluntary divisional applications simultaneously with the original application or prior to its issuance; then a reissue design application can be filed to claim both the entire article and patentably distinct subcombinations. [5]

Where such a reissue application is filed, and the design for the patentably distinct subcombinations are found to be allowable, and the originally patented design for the entire article is found allowable *without change from the patent*, separate reissue patents cannot be supported. This is because the already-patented design for the entire article cannot support its own patent, since there is no "error" to be corrected under 35 U.S.C. 251. Yet, the patentably distinct design inventions cannot be provided in a single application for the reason discussed above. This presents a dilemma for the reissue applicant, because, if a reissue patent is issued to the patentably distinct subcombinations, the reissue patent will replace the original patent, and patentee will lose protection for the originally patented design for the entire article.

In order to resolve this dilemma and provide the relief called for by 35 U.S.C. 251 in the instance of a design reissue application, it is appropriate to waive the design rule (37 CFR 1.153) to permit the joinder of (1) the design to the entire article (of the original patent) and (2) the subcombination designs (added via reissue) under a single claim in a single design reissue application, for issuance as a reissue patent. An extraordinary situation, as called for in 37 CFR 1.183,[6] exists here, since applicant/patentee cannot obtain the relief mandated by 35 U.S.C. 251, unless the rule is waived to permit all designs to issue in one reissue patent. Thus, waiver of the rule is justified. It is to be noted that 35 U.S.C. 251 has been held by the Court of Appeals for the Federal Circuit to be <u>a remedial statute</u> in permitting correction of patents, for example, in the decision of *In re Weiler*

---

[5] Such a reissue application must be filed within two years of the issuance of the design patent, since it is considered a broadening of the scope of the patent claim.

[6] 37 CFR 1.183 states:
In an **extraordinary situation**, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. [Emphasis added]

et al, 790 F. 2d at 1579, 229 USPQ at 675 (Fed. Cir. 1986). ("In enacting the statute, Congress provided a statutory basis for correction of 'error.' The statute is remedial in nature, based on fundamental principles of equity and fairness, and should be construed liberally."). The present decision is consistent with the Federal Circuit's position as to the remedial nature of 35 U.S.C. 251.

In this instance, the principles of equity and fairness dictate a waiver of 37 CFR 1.153(a) to permit the matter asserted by the Office to be patentably distinct designs to be supported by the single claim in the present reissue application.

CONCLUSION

1. The petition under 37 CFR 1.183 is **granted** to waive 37 CFR 1.153(a) and thus permit the matter asserted by the Office to be patentably distinct designs to be supported by the single claim in the present reissue application.

2. Jurisdiction over the reexamination proceeding is being returned to Technology Center 2900 for further examination not inconsistent with this decision.

3. Telephone inquiries related to this decision should be directed to Joel Sincavage, Technology Center 2900, Design Practice Specialist, at (571)272-2610, or in his absence to the undersigned at 571-272-7710.

Kenneth M. Schor
Senior Legal Advisor
Office of Patent Legal Administration

3-6-06
C:\Kiva\Kenpet6\7303_req_steno_interview.wpd

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 17 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Tate E. Kuerbis	:	
Serial No.: 29/209,814	:	DECISION ON PETITION
Filed: July 22, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on July 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

John E. Kittle
Director
Technology Center 3700/2900

FILE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jason G. Petrie

Serial No.: To be assigned 29/209836

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simone, C

Group Art Unit: 2900 2912

Attorney Docket No.: 2465-6490US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994842191US

Date of Deposit with USPS: July 22, 2004

Person making Deposit: Laurence B. Bond

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

FEB 18 2005

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Expedited Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

07/26/2004 SSESHE1 00000026 29209836
02 FC:1460 130.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/209,861	07/21/2004	2913	340	04486/LH	6	1	1

CONFIRMATION NO. 3432

CORRECTED FILING RECEIPT

OC000000014156915

01933
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

Date Mailed: 10/21/2004

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)

Atsushi Goto, Tokyo, JAPAN;

Power of Attorney:

HERBERT H. GOODMAN--17081
LEONARD HOLTZ--22974
Marshall Chick--26853
Richard Barth--28180
Douglas Holtz--33902
Robert Michal--35614

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/08/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/209,861

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Wrist watch

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).

SPE S. Reid

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/29/06

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/209,828 Patent No.: D517421

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**.

Lamonte M. 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: _____

STELLA REID
VISORY DESIGN EXAMINER
SPE

2912
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

SEP 17 2004

Richard C. Litman
LITMAN LAW OFFICES, LTD.
P.O. Box 15035
Arlington VA 22215

In re Application of	:	
Mark A. Kriews et al	:	
Serial No.: 29/209,885	:	DECISION ON PETITION
Filed: July 23, 2004	:	
For: Golf Training Aid	:	

This is in response to the petition applicant filed on July 23, 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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FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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NOV 19 2004

OFFICE OF PETITIONS

In re Application of	:
Eric D. Clamage	:
Application No. 29/209,899	: DECISION ACCORDING STATUS
Filed: July 23, 2004	: UNDER 37 CFR 1.47(b)
Attorney Docket No. 83253(77102D2)	:

This decision is in response th the petition filed November 8, 2004 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed July 23, 2004 naming Eric D. Clamage as the sole inventor but without an executed Oath or Declaration. A Notice to File Missing Parts was mailed September 8, 2004 and in response, the instant petition was filed. The petition claims that the inventor has been provided with a copy of the application but that he has verbally refused to execute the Oath or Declaration.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

Petitioners have shown that the application papers were delivered to the last known address for the sole inventor, that the sole inventor verbally refused to execute the oath or declaration. Additionally, petitioners have included the last known address for Mr. Clamage, have shown proprietary interest by providing a copy of the "Employment Agreement" between the nonsigning inventor and Kraft Foods Global, which shows that the inventor had an obligation to assign any patent rights to Kraft Foods Global, has

submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and has demonstrated that such action is necessary to prevent irreparable damage.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) 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.

The application is being forwarded 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

ERIC D. CLAMAGE
42 HIGHVIEW AVENUE, #6
STAMFORD, CT 06907

In re Application of
Eric D. Clamage
Application No. 29/209,899
Filed: July 23, 2004
Title of Invention: CONTAINER

Dear Mr. Clamage:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned 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:
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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OFFICE OF PETITIONS

In re Application of
Eric D. Clamage
Application No. 29/209,900
Filed: July 23, 2004
Attorney Docket No. 83253(77102D1)

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)

This decision is in response th the petition filed November 8, 2004 under 37 CFR 1.47(b).

The petition is **GRANTED**.

The above-identified application was filed July 23, 2004 naming Eric D. Clamage as the sole inventor but without an executed Oath or Declaration. A Notice to File Missing Parts was mailed September 8, 2004 and in response, the instant petition was filed. The petition claims that the inventor has been provided with a copy of the application but that he has verbally refused to execute the Oath or Declaration.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

Petitioners have shown that the application papers were delivered to the last known address for the sole inventor, that the sole inventor verbally refused to execute the oath or declaration. Additionally, petitioners have included the last known address for Mr. Clamage, have shown proprietary interest by providing a copy of the "Employment Agreement" between the nonsigning inventor and Kraft Foods Global, which shows that the inventor had an obligation to assign any patent rights to Kraft Foods Global, has

submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and has demonstrated that such action is necessary to prevent irreparable damage.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). In view thereof, this application is hereby accorded Rule 1.47(b) 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.

The application is being forwarded 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

ERIC D. CLAMAGE
42 HIGHVIEW AVENUE, #6
STAMFORD, CT 06907

In re Application of
Eric D. Clamage
Application No. 29/209,900
Filed: July 23, 2004
Title of Invention: CONTAINER

Dear Mr. Clamage:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned 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:
FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : July 17, 2008

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/209903 Patent No.: D515683 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: _____

Gary D. Watson — **SPE**
2915 — **Art Unit**

PTO/SB/44 (07-03)
Approved for use through 01/31/2004. 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. : US D515,683 S

DATED : February 21, 2006

INVENTOR(S) : LaBlaine

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Assignee, "Bruno LaBlaine, Slough (GB)" should read -- Reckitt Benckiser (UK) Limited, Slough (GB) --

Claim, "The ornamental design for a air freshener device, as shown and described." should read -- The ornamental design for an air freshener device, as shown and described. --

MAILING ADDRESS OF SENDER: **Norris, McLaughlin & Marcus, P.A.**
P.O. Box 1018
Somerville, NJ 08876-1018

PATENT NO. US D515,683 S

No. of additional copies 0

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.

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Patent Publication

JUN 19 2008

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Commissioner for Patents
United States Patent and Trademark Office
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Norris, McLaughlin & Marcus P.A.
875 Third Avenue
18th Floor
New York, NY 10022

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OFFICE OF PETITIONS

In re Patent No. D512631 :
Issue Date: December 13, 2005 :
Application No. 29/209,930 : ON PETITION
Filed: July 23, 2004 :
Attorney Docket No. **102792-310/11370D1**

This is a decision on the petition filed January 12, 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.

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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NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA SC 29201

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SEP 27 2006
OFFICE OF PETITIONS

In re Application of	:	
Peter Chaconas	:	
Application No. 29/209,942	:	DECISION ON PETITION
Filed: July 23, 2004	:	
Attorney Docket No. 17745/09249	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 6, 2006, to revive the above-identified application. The Office of Petitions recently received the petition for a decision on the merits. The Office sincerely apologizes for any inconvenience.

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 on December 7, 2005, for failure to properly and timely respond to the Notice of Allowability mailed on September 6, 2005. On January 30, 2006, 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 (4) above.

A terminal disclaimer and the terminal disclaimer fee are required under 37 CFR 1.137(d) if the application is a design application. 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.

Accordingly, any renewed petition to revive must be accompanied by a terminal disclaimer and fee, dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. See 37 CFR 1.137(d)(1).

The Office acknowledges receipt of the corrected drawings, which have been approved by the Draftsperson. A copy of the Notice of Draftsperson's Patent Drawing Review accompanies this decision.

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

Form PTO-948 (Rev. 06/03)
Application No. 29/209,942

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 02/06/2006 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)____

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 SON LAM

Date 09/26/2006

If you have questions, call (703) ~~305-8404~~ 305-0333 (EXT. 133)

Attachment to Paper No. ____

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-153

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

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA SC 29201

COPY MAILED

DEC 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Peter Chaconas	:	
Application No. 29/209,942	:	DECISION ON PETITION
Filed: July 23, 2004	:	
Attorney Docket No. 17745/09249	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 30, 2006, to revive the above-identified application.

This application became abandoned on December 7, 2005, for failure to properly and timely respond to the Notice of Allowability mailed on September 6, 2005. On January 30, 2006, the Office mailed a Notice of Abandonment.

The Office acknowledges the receipt of the terminal disclaimer and fee. 37 CFR 1.137(c)(1) states 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). Accordingly, the period of the terminal disclaimer filed on April 6, 2006, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

Petitioner has met the requirements under 37 CFR 1.137(b). Accordingly, the petition is **granted**.

This matter is being referred to the Office of Patent Publications for issuance of 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 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

OIPE JC177
DEC 0 6 2004
PATENT & TRADEMARK OFFICE

PATENT
0677-0110PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Keiko TOGAWA	Conf.:	5904
Appl. No.:	29/209,980	Group:	2913
Filed:	July 26, 2004	Examiner:	UNASSIGNED
For:	BALLPOINT PEN		

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 6, 2004

Sir:

We hereby apply to withdraw as attorneys or agents for the above-identified application.

The reasons for this request are:

Conflict of Interest

1. ☐ The correspondence address is NOT affected by this withdrawal.

2. ☒ Change the correspondence address and direct all future correspondence to:

KIM & CHANG
Seoul Building 114-31
Uni-Dong, Chongro-Ku
Seoul 110-350
Korea

Approved 2/8/05
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

This request is enclosed in triplicate.

The undersigned is signing on behalf of himself and all of the attorneys and agents associated with the law firm of Birch, Stewart, Kolasch and Birch, LLP **(Customer Number 02292)**. The undersigned is authorized to execute this Notice of Withdrawal for all of the attorneys and agents of record who are associated with Customer Number 02292.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By James T. Eller, Jr.
James T. Eller, Jr., #39,538

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JTE:cms
0677-0110PUS1

UNITED STATES PATENT AND TRADEMARK OFFICE

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

8/19/05

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

In re Application of
Tomoyuki Iwata
Serial No.: 29/210,039
Filed: July 26, 2004
Attorney Docket No.: A36313-072071.0148

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 31, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 18, 2005, which set a three-month statutory period to submit the Issue Fee and formal drawings. As no response was received by May 18, 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 $130.00 will be refunded to applicant's Deposit account 02-4377, 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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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA22313-1450
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JJGJR.: 09-07

Paper No: __

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OFFICE OF PETITIONS

NANCY H. MARTIN
NATIVE CLANS CASKET COMPANY, INC.
P.O. BOX 489
WHITTIER NC 28789

In re Application of	:	
Martin	:	DECISION
Application No.: 29/210,147	:	
Filing Date: 28 July, 2004	:	
Attorney Docket No. (None)	:	

This is a decision on the papers viewed as a petition filed on 11November, 2006,to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

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*ex parte* Quayle action mailed on 23 March, 2006, with reply due absent an extension of time on or before 23 May, 2006;

[1] NOTE: **Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

- the application went abandoned by operation of law after midnight 23 May, 2006;
- Petitioner wrote to inquire about the application on 22 June, 2006, apparently trying to alert the Office to what she thought was a problem in the handling of her application, but got not reply to that inquiry; and
- the Office mailed the Notice of Abandonment on 30 October, 2006;
- on 7 November, 2006, Petitioner filed the instant petition, and averred therein, *inter alia*, timely reply on 10 May, 2006, over a 10 May, 2006, certificate of mailing and evidenced the reply with supporting documentation, including a copy of the reply, and a date-stamped (051006) receipt card (see: MPEP §503[2])–and the Office records in fact reflect that filing; however, the Office initially accepted the submission as a new application and gave it a new application number (to wit: 29/259,619, while the Applicant/Petitioner's intent was to reply to the Examiner's action on of 23 March, 2006, and to that end each page of the submission appears to carry a label bearing Application No. 29/210,147.

---

[2] 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.)

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) can inform an applicant/practitioner as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)); and those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

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[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and

(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —

(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;

(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective

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).[4]

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.[5]

Delays in responding properly raise the question whether delays are unavoidable.[6] 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).[7]

And the Petitioner must be diligent in attending to the matter.[8] 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.[9]))

Oct. 21, 2004]

[4] 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.

[5] 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.

[6] 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).

[7] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[8] 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.

[9] 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.

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.[10]

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 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.

---

[10] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

> 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.
>
> * * *

Moreover, the regulation places upon Petitioner a diligence requirement to seek relief within two (2) months of the act complained of.

It appears Petitioner has satisfied the showings required herein.

CONCLUSION

The petition as considered under 37 C.F.R. §1.181 is **granted**, and the 30 October, 2006, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center 2900 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[11]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[11] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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
29/210,151	07/27/2004	2913	340	04176/0201586-US0	2	1	1

CONFIRMATION NO. 8205

CORRECTED FILING RECEIPT

OC000000015110279

7278
DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

Date Mailed: 02/04/2005

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;

Power of Attorney: The patent practitioners associated with Customer Number **07278**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 09/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/210,151

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).

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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
29/210,152	07/27/2004	2913	240	01039/0201436-US0	7	1	1

CONFIRMATION NO. 8299

CORRECTED FILING RECEIPT

OC000000015110514

7278
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NEW YORK, NY 10150-5257

Date Mailed: 02/04/2005

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Applicant(s)

Machiko Chiba, Sendai, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **07278**.

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2004-1927 01/28/2004

If Required, Foreign Filing License Granted: 09/17/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/210,152

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Microwaveable cooking utensil

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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SEP 2 0 2007.

OFFICE OF PETITIONS

In re Application of	:	
Minnie TAYLOR et al.	:	
Application No. 29/210,182	:	DECISION ON PETITION
Filed: July 28, 2004	:	
Attorney Docket No. 04-170-PT-ISC	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 03, 2007, to revive the above-identified application.

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 present petition lacks items (3) and (4).

With respect to item (3), the petition that includes the statement of unintentional delay is unsigned. For this reason, petitioner has not included the required statement pursuant to 37 CFR 1.137 (b) (3). With regards to item (4), the office is not in receipt of a terminal disclaimer as set forth in 37 CFR 1.137 (b) (4) and its requisite fee ($65). See 37 CFR 1.137 (d) (1).

Accordingly, 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.

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

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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 Tredelle Jackson at (571) 272-2783.

Denise Pothier
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Minnie TAYLOR et al.	:	
Application No. 29/210,182	:	DECISION ON PETITION
Filed: July 28, 2004	:	
Attorney Docket No. **04-170-PT-ISC**	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fees and to submit corrected formal drawings on or before July 05, 2007, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 05, 2007. Accordingly, the date of abandonment of this application is July 06, 2007.

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, and corrected formal drawings, (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for processing into a patent.

David Buco
Petitions Examiner
Office of Petitions

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FISH & RICHARDSON P.C., P.A.
60 SOUTH SIXTH STREET
SUITE 3300
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of	:	
HENG et al.	:	
Application No. 29/210,189	:	DECISION ON PETITION
Filed: July 28, 2004	:	
Attorney Docket No. 13213-111001	:	

This is a decision on the petition, filed November 7, 2005, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance of April 6, 2005, which set a three-month statutory period for reply. A reply was due on or before July 6, 2005.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard (albeit stamped with a different Application Number), which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on July 6, 2005 of, *inter alia,* a request for continued prosecution application (CPA) for Application No. 29/210,189, an amendment, drawings, and an IDS. A copy of the papers submitted, with the exception of the drawings and the IDS, were provided with the petition.

Some of the papers filed on July 6, 2005 were properly matched to Application Number 29/210,189. However when the CPA and other papers were filed on July 6, 2005, the Office mistakenly gave the submission a new Application Number 29/233,572, rather than retaining the existing Application Number 29/210,189. The entire and complete submission filed on July 6, 2005, including the drawings and the IDS, were located in Application No. 29/233,572. These papers have been moved to the above application, Application No. 29/210,189. The Office regrets any inconvenience from this mistake.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

This application is being referred to Technology Center AU 2913 for appropriate action in the normal course of business on the reply received with petition.

Frances Hicks
Petitions Examiner
Office of Petitions

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ALIX YALE & RISTAS LLP
750 MAIN STREET, SUITE 1400
HARTFORD, CT 06103

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OFFICE OF PETITIONS

In re Application of :
Hughes M. **SANONER** :
Application No. 29/210,217 :
Filed: July 28, 2004 :
Attorney Docket No. **MCHK/201DES/US** :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 2007, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 28, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 29, 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 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.

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:

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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 Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

ALIX YALE & RISTAS LLP
750 MAIN STREET, SUITE 1400
HARTFORD, CT 06103

In re Application of :
Hughes M. SANONER :
Application No. 29/210,217 : DECISION ON PETITION
Filed: July 28, 2004 : UNDER 37 CFR 1.137(b)
Attorney Docket No. **MCHK/201DES/US** :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 28, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 29, 2006.

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 $1500; (3) an adequate statement of unintentional delay; and (4) a terminal disclaimer and fee as required by 37 CFR 1.137(b).

The application is being referred to Technology Center Art Unit 2911 for consideration of the amendment filed July 30, 2007.

Inquiries regarding the status or examination of the application should be directed to the examiner.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

Brian W. Brown
Petitions Examiner
Office of Petitions

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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 18 2007

OFFICE OF PETITIONS

In re Patent No. D518947 :
Issue Date: April 18, 2006 :
Application No. 29/210,254 : NOTICE
Filed: July 28, 2004 :
Attorney Docket No. JCHO 0421503

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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866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Patent No. D-512,209	:	
Issue Date: December 6, 2005	:	
Application No. 29/210,257	:	NOTICE
Filed: July 28, 2004	:	
Attorney Docket No. JCHO 0421512	:	

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

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New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D521,222 :
Issue Date: May 23, 2006 :
Application No. 29/210,275 : NOTICE
Filed: July 28, 2004 :
Attorney Docket No. JCHO 0421513 :

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

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OFFICE OF PETITIONS

In re Application of	:	
David H. Kasman	:	
Application No. 29/210,291	:	ON PETITION
Filed: July 29, 2004	:	
Attorney Docket No. 107011-0006	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on June 9, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed February 22, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

A Terminal Disclaimer and the $65 Terminal Disclaimer fee is required under 37 CFR 1.137(d) 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.

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), and be accompanied by the required Terminal Disclaimer and $65 fee." 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:

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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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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BOSTON, MA 02210

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OFFICE OF PETITIONS

In re Application of	:	
David H. Kasman	:	
Application No. 29/210,291	:	ON PETITION
Filed: July 29, 2004	:	
Attorney Docket No. 107011-0006	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 8, 2006, to revive the above-identified application.

The petition now satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied the required terminal disclaimer and $65 fee. Also, the Office acknowledges receipt of $400 for payment of the issue fee; the petition fee of $750 and an adequate statement of unintentional delay submitted on June 9, 2006.

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

This application file is being referred to the Office of Publications for processing 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

In re Application of	
Floyd William Brady	:
Serial No.: 29/210,297	:
Filed: July 28, 2004	: PETITION DECISION
Attorney Docket No.: 011345-006010US	:
	:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed May 25, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 22, 2005, which set a three-month statutory period to submit the Issue Fee. As no response was received by May 23, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOV 17 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Aaron A.C. Cooper	:	
Serial No.: 29/210,386	:	DECISION ON PETITION
Filed: July 30, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on July 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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P.O. Box 1450
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

COPY MAILED
NOV 06 2006
OFFICE OF PETITIONS

In re Patent No. D,521,214	:	
Issue Date: May 23, 2006	:	
Application No. 29/210,388	:	NOTICE
Filed: July 29, 2004	:	
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 21, 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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OFFICE OF PETITIONS

In re Patent No. D,527,872	:	
Issue Date: September 12, 2006	:	
Application No. 29/210,390	:	NOTICE
Filed: July 29, 2004	:	
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 21, 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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In re
Sandra Choi
Application No. 29/210,404
Filed: July 29, 2004
Attorney Docket No. JCHO 0421499

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed August 21, 2006.

The fee deficiency submission under 37 CFR 1.28, representing the difference between the small entity and large entity application filing fees is hereby **accepted**.

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

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UTAH 84110-2550

In re Application of	:	
Steven D. Powell et al	:	
Application No. 29/210,415	:	ON PETITION
Filed: July 30, 2004	:	
Attorney Docket No. 3021-7834US	:	

This is a decision on the petition, filed May 18, 2006, 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 December 27, 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 May 18, 2006.

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

This matter is being referred to Technology Center AU 2916 for processing of the CPA.

Karen Creasy

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

Paper No. _____

Date : May 19, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Steven D. Powell et al
Application No. :29/210,415
Filed :July 30, 2004

The above-identified application has been assigned Patent No. D521647 and an issue date of May 23, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

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 May 23, 2006:

"All reference to Patent No. D521647 to Steven D. Powell et al of Utah for LIGHT THERAPY DEVICE appearing in the Official Gazette of May 23, 2006 should be deleted since no patent was granted."

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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SALT LAKE CITY UT 84110

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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Powell et al. :
Application No. 29/210415 :
Filed: 07/30/2004 :
Atty Dckt No. 3021-7834US :

This is a decision on the petition, styled under 37 CFR 1.182 and filed on 13 September, 2006, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.63 where they require that a supplemental declaration be executed by all of the named inventors.[1]

The petition is **DISMISSED AS MOOT**.

Papers filed on 4 October, 2006, subsequent to the filing of the present petition, included a supplemental declaration signed by the previously non-signing inventor, Steven D. Powell. As such, the petition is no longer necessary and is dismissed as moot.

As the petition was not treated on the merits, no petition fee is due. The petition fee has not been charged.

The application is being forwarded to the Publishing Division for processing into a patent.

Telephone inquiries related to this decision 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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[1] Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

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

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Zimmer, Jamie Joe :
Application No. 29/210,434 : ON PETITION
Filed: July 30, 2004 :
Attorney Docket No. 708.197US01 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 27, 2007, 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 reply in a timely and proper manner in reply to the Notice of Allowance mailed March 30, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 1, 2007.

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(s) (1) and (4).

As to item (1), 35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned 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 for failure to pay the issue fee or any portion thereof. For revival, the $800.00 issue fee must be submitted.

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

As to item (4), since the instant application is a design application, 37 CFR 1.137(b) requires a terminal disclaimer and fee for revival. A blank terminal disclaimer 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 Walsh
Petitions Examiner
Office of Petitions

Enclosure – PTO/SB/63

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

PTO/SB/63 (10-07)
Approved for use through 10/31/2007. 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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OFFICE OF PETITIONS

In re Application of	:	
Zimmer, Jamie Joe	:	
Application No. 29/210,434	:	DECISION ON PETITION
Filed: July 30, 2004	:	
Attorney Docket No. 708.197US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue fee, (2) the petition fee, (3) a proper statement of unintentional delay and (4) the terminal disclaimer and fee.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center 2900 for processing of the Request for Continued Prosecution Application under 37 CFR 1.53(d) filed September 27, 2007.

Liana Walsh
Petitions Examiner
Office of Petitions

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GODBEY GRIFFITHS REISS & CHONG
1001 BISHOP STREET, PAUAHI TOWER SUITE 2300
HONOLULU HI 96813

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OFFICE OF PETITIONS

In re Application of :
Thomas English :
Application No. 29/210,449 : ON PETITION
Filed: July 30, 2004 :
Attorney Docket No. ENGL-DS1 :

This is a decision on the petition under 37 CFR §1.137(a) to revive the above-identified application, filed September 6, 2006. This petition will be treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed April 6, 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 7, 2005. A Notice of Abandonment was mailed on May 25, 2006.

Petitioner asserts that the Notice of Allowance and Fee (s) Due mailed on April 6, 2005 was never received. Petitioner insist that a he entered a change of correspondence address via private PAIR. Later it came to petitioner's attention that the complete change of correspondence address was not entered. Petitioner reentered the correct address on May 9, 2005. Petitioner did not become aware that the address had not been properly entered until he received a Notice of Abandonment. Petitioner has provided a copy of private PAIR in which the address associated with customer no. 26793 was successfully changed on March 18, 2005. Thus, the Notice of Allowance and Fee (s) Due was improperly mailed.

Since petitioner submitted a grantable petition under 37 CFR 1.181 a terminal

disclaimer is not required. The petition and terminal disclaimer fees in the amount of $250.00 and $65 will be refunded.

This application is being forwarded to the Office of Patent Publication. Since the issue fee has been submitted on petition, the re-mailing of the Notice of Allowance and Notice of Allowability is not required.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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FOURTEENTH FLOOR
IRVINE CA 92614

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JAN 23 2007

OFFICE OF PETITIONS

In re Application of	:	
YAMAMOTO et al.	:	DECISION
Application No. 29/210,477	:	ON PETITION
Filed: July 29, 2004	:	
Attorney Docket No. HITHOME.042DA	:	

This is a decision on the petition filed March 21, 2006 under 37 CFR 1.8(b) to consider the June 23, 2005 submission as timely.

The request under 37 CFR 1.8(b) to consider the June 23, 2005 submission as timely is **GRANTED**. The holding of abandonment is vacated, and this application restored to pending status.

The application supposedly 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 May 5, 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 purportedly became abandoned on July 6, 2005.

37 CFR 1.8 (b) states:

> [i]n the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the conditions of 37 CFR 1.8(b), and the correspondence will be considered timely.

In support of the request, petitioner informed the Office promptly of the previous mailing of the June 23, 2005 reply to the Office action under Ex parte Quayle after becoming aware that the Office had no evidence of receipt of the correspondence and provided an additional copy of the previously mailed correspondence on March 21, 2006. The Amendment and the Design Amendment/Response Transmittal sheet provided on March 21, 2006 include a certificate of mailing under 37 CFR 1.8 signed by Eric M. Nelson (Nelson) with the date of June 23, 2005. In particular, the Design Amendment/Response Transmittal itemizes the amendment (3 pages), a copy of Figure 1 showing changes, and one sheet of drawings. The petition filed on March 21, 2006 also includes a statement from Nelson attesting to the previously timely mailing of the Amendment.

Therefore pursuant to 37 CFR 1.8(b), the reply to the Office action under Ex parte Quayle is considered timely submitted.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to Technology Center Art Unit 2912 for further processing.

Frances Hicks
Petitions Examiner
Office of Petitions

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Harrison & Egbert
7th Floor
412 Main Street
Houston, TX 77002

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OFFICE OF PETITIONS

In re Application of :
Biglarians :
Application No. 29/210,511 : ON PETITION
Filed: August 2, 2004 :
Attorney Docket No. 1257-31 :

This is a decision on the petition filed October 12, 2004, to accord the above-identified application a filing date of August 2, 2004.

On August 2, 2004, the application was filed.

On September 28, 2004, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that 2 sheets of drawings were deposited on August 2, 2004. In support, petitioner has submitted a postcard receipt which acknowledges receipt of 2 sheets of drawings on August 2, 2004.[1]

Upon review of the record, the drawings deposited on August 2, 2004, have not been located. However, the evidence is convincing that the application papers deposited on August 2, 2004, included drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of August 2, 2004.

In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

The petition fee of $130 will be credited back to petitioner's credit card.

The Notice mailed September 28, 2004, was sent in error and is hereby vacated.

The Office of Initial Patent Examination will be informed of this decision and will further process the application with a filing date of August 2, 2004, using the application papers filed on August 2, 2004 and the copy of two sheets of drawings filed on October 12, 2004.

---

[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.

Telephone inquiries 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

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

EDWARD A SOKOLSKI
3868 CARSON STREET, 105
TORRANCE, CA 90503

COPY MAILED

DEC 01 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald P. Heath	:	
Application No. 29/210,512	:	ON PETITION
Filed: August 2, 2004	:	
Attorney Docket No. 5411	:	

This is a decision on the petition under 37 C.F.R. 1.137(b), filed November 18, 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 application became abandoned for failure to timely file corrected drawings on or before July 6, 2005 as required by the Notice of Allowability mailed April 6, 2005. Accordingly, this application became abandoned on July 7, 2005. A Notice of Abandonment was mailed on October 19, 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) a terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required for all utility and plant applications filed before June 8, 1995; and for all design applications.

The instant petition does not satisfy requirement (4) above.

A terminal disclaimer and the fee under 37 CFR 1.20(d) has not been submitted. *See* 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
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
www.uspto.gov

EDWARD A SOKOLSKI
3868 CARSON STREET, 105
TORRANCE, CA 90503

COPY MAILED

JAN 0 6 2006

OFFICE OF PETITIONS

In re Application of	:	
Donald P. Heath	:	
Application No. 29/210,512	:	ON PETITION
Filed: August 2, 2004	:	
Attorney Docket No. 5411	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 22, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file corrected drawings on or before July 6, 2005 as required by the Notice of Allowability mailed April 6, 2005. Accordingly, this application became abandoned on July 7, 2005. A Notice of Abandonment was mailed on October 19, 2005.

This application is being forwarded to Technology Center 2900 for review of the drawings filed November 18, 2005.

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

OIPE JC177
JAN 0 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey C. Fong et al.	)	
Serial No.: 29/210,526	)	Group Art Unit: TI
Filed: August 3, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No:

PETITION GRANTED
Richard Crispino
Special Program Examiner
TC 1700
FEB 2 3 2005

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/04/2005 JBALINAN 00000085 190733 29210526
01 FC:1464 130.00 DA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/26/2006

TO SPE OF : ART UNIT **2900 (2911)**

SUBJECT : Request for Certificate of Correction on Patent No.: D526,323

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 – 2900 South Tower ste.9A43A
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.

***ok to substitute drawings as req. in COCIN in Madras?**

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

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

OIPE JC177
JAN 0 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Mark R. Gibson et al.	)	
Serial No.: 29/210,530	)	Group Art Unit: ~~2912~~ 2911
Filed: August 3, 2004	)	Examiner: TBA Tung, M
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No.: 013797.00470

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/04/2005 JBALINAN 00000083 190733 29210530
01 FC:1464 130.00 DA

OIPE JC177
JAN 0 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

In re Application of:	)	
Kort D. Sands	)	
Serial No.: 29/210,531	)	Group Art Unit: 2913
Filed: August 3, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No.: 013797.00469

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/04/2005 JBALINAN 00000084 190733 29210531
01 FC:1464 130.00 DA

OIPE JC98
JAN 05 2005
PATENT & TRADEMARK OFFICE

FILE COPY
DESIGN
PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey C. Fong et al.	)	
Serial No.: 29/210,532	)	Group Art Unit: 2912
Filed: August 3, 2004	)	Examiner: TBA Tung
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No.: 013797.00466

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/06/2005 JBALINAN 00000123 190733 29210532
01 FC:1464 130.00 DA

OIPE JC177
JAN 0 3 2005
TO/PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Eric Neal Braff	)	
Serial No.: 29/210,533	)	Group Art Unit: ~~2912~~ 2911
Filed: August 3, 2004	)	Examiner: TBA Tung
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No.: 013797.00464

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/04/2005 JBALINAN 00000086 190733 29210533
01 FC:1464 130.00 DA

OIPE JC177
JAN 0 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Eric Neal Braff	)	
Serial No.: 29/210,534	)	Group Art Unit: ~~2912~~ 2911
Filed: August 3, 2004	)	Examiner: TBA Tung, M
For: **PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE**	)	Attorney Docket No.: 013797.00463

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/04/2005 JBALINAN 00000087 190733 29210534
01 FC:1464 130.00 DA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 30, 2006

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/210534 Patent No.: D,524,322 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: _____

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900
SPE

2916
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

Chih-Ching Hsien
235 Chung-Ho
Box 8-24
Taipei
TAIWAN

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
Hsien :
Application No. 29/210,582 : ON PETITION
Filed: August 3, 2004 :
Attorney Docket No. J5D4015-GFP-932714 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2006 and supplemented on January 4, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed August 17, 2005, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 18, 2005. A Notice of Abandonment was mailed on January 30, 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).

With respect to (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
www.uspto.gov

Chih-Ching Hsien
235 Chung-Ho
Box 8-24
Taipei
TAIWAN

COPY MAILED

OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Hsien :
Application No. 29/210,582 : ON PETITION
Filed: August 3, 2004 :
Attorney Docket No. J5D4015-GFP-932714 :

This is a decision on the reconsideration petition under the unintentional provisions of 37 CFR 1.137(b), filed July 24, 2007 (certificate of facsimile transmission date July 16, 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 submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed August 17, 2005, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 18, 2005. A Notice of Abandonment was mailed on January 30, 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 still lacks item(s) (4).

With respect to (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. Petitioner has submitted a terminal disclaimer used when double patenting issues are present. Petitioner should have submitted a terminal disclaimer that disclaims the period of abandonment. In short, petitioner has submitted an incorrect type of terminal disclaimer. Please complete the attached form and return it with a reconsideration petition. It is not necessary to submit another terminal 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

Attachments: TERMINAL DISCLAIMER TO ACCOMPANY PETITION

PRIVACY ACT STATEMENT

PTO/SB/63 (10-07)
Approved for use through 10/31/2007. 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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Chih-Ching Hsien
235 Chung-Ho
Box 8-24
Taipei
TAIWAN

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FEB 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Hsien	:	
Application No. 29/210,582	:	ON PETITION
Filed: August 3, 2004	:	
Attorney Docket No. J5D4015-GFP-932714	:	

This is a decision on the reconsideration petition under the unintentional provisions of 37 CFR 1.137(b), filed November 20, 2007 (certificate of facsimile transmission date November 19, 2007) and supplemented on December 3, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed August 17, 2005, which set a period for reply of three (3) months. Accordingly, this application became abandoned on November 18, 2005. A Notice of Abandonment was mailed on January 30, 2006.

Applicant has submitted a proper reply in the form of corrected formal drawings, an proper statement of the unintentional nature of the delay in responding to the August 17, 2005 Notice of Allowability, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

Petitioner has paid two terminal disclaimer fees. Only one is required. A treasury check refund for $65.00 will be scheduled in due course.

This application is being forwarded to the Office of Data Management for consideration of the drawings filed on January 4, 2007.

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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SCOTT K. WESTPHAL
APT. 14-M
21 WEST STREET
NEW YORK NY 10006-2927

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OFFICE OF PETITIONS

In re Application of
Scott K. Westphal
Application No. 29/210,583
Filed: August 3, 2004
Attorney Docket No. **NOZZEL**

ON PETITION

This is a decision on the petition filed June 28, 2007 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 August 24, 2005, for failure to file a timely response to the Office action in accordance with *Ex parte Quayle*,[2] mailed on June 23, 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. Accordingly, a Notice of Abandonment was mailed January 24, 2006.

The petition fee in the amount of $7500.00 has been applied to the finance records for the instant patent application.

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 Technology Center 2912 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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Chih-Ching Hsien
235 Chung-Ho
Box 8-24
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JUN 01 2007

OFFICE OF PETITIONS

In re Application of
Chih-Ching Hsien
Application No. 29/210,586
Filed: August 3, 2004
Attorney Docket No. J5D4016-GFP-932711

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on December 29, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

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 present petition lacks item (4).

A Terminal Disclaimer and the $65 Terminal Disclaimer fee is required under 37 CFR 1.137(d) 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.

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), and be accompanied by the required Terminal Disclaimer and $65 fee." 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
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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CHIEN-HUI SU
P. O. BOX 70-121 TAICHUNG
TAICHUNG CITY, **TAIWAN** 40899

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In re Application of	:	
Chih-Ching Hsien	:	
Application No. 29/210,586	:	ON PETITION
Filed: August 3, 2004	:	
Attorney Docket No. GFP-932711	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on July 24, 2007 and October 30, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

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 item(s) (4).

The Office acknowledges receipt of a Terminal Disclaimer and the $65 fee submitted on July 24, 2007. However, the Terminal Disclaimer is not accepted in that it fails to contain the complete language of 37 CFR 1.137(d). Therefore, it is recommended that petitioner use the enclosed Terminal Disclaimer Form No. PTO/SB/63.

Since a renewed petition under 37 CFR 1.137(b) does not require an additional petition fee, petitioner may request a refund of $810 be credited back to the credit card by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on October 23, 2008 has been accepted and made of record.

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), and be accompanied by the replacement Terminal Disclaimer under 37 CFR 1.137(d)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No further fees are 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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosures: Privacy Act Statement
Terminal Disclaimer to Accompany Petition (PTO/SB/63)

UNITED STATES PATENT AND TRADEMARK OFFICE

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TAICHUNG CITY, **TAIWAN** 40899

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OFFICE OF PETITIONS

In re Application of	:	
Chih-Ching Hsien	:	
Application No. 29/210,586	:	ON PETITION
Filed: August 3, 2004	:	
Attorney Docket No. GFP-932711	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on January 5, 2009, to revive the above-identified application.

In response to the decision mailed December 24, 2008, petitioner submits a terminal disclaimer under 37 CFR 1.137(d) filed on January 5, 2009.

Since the requirements of 37 CFR 1.137(b) have been met, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed January 5, 2009, has been accepted 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. A copy of this decision should be attached to the cover letter.

This application file is being referred to the Office of Data Management for further processing 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

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OFFICE OF PETITIONS

In re Application of Capella :
Reissue Application No. 29/210,607 :
Reissue Filing Date: August 3, 2004 : Decision on Petition
Reissue of Patent No. D461114 :
Original Issue Date: August 6, 2002 :
Attorney Docket No. 1557RE A :

This is a decision in response to the petition under 37 CFR 1.183 filed June 27, 2006.

The petition is **dismissed**.

37 CFR 1.173(b)(3) requires all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

37 CFR 1.173(b)(3) requires amended drawing figures be identified as "Amended."

Petitioner has filed a petition under 37 CFR 1.183 seeking to waive the requirements of 37 CFR 1.173(b)(3).

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

The Office action mailed May 8, 2006 objected to the drawings and stated,

> All changes to the drawings shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

Petitioner has not supplied an explanation of all the changes. Therefore, the Office presumes the petition is, in part, a request to waive the portion of 37 CFR 1.173(b) requiring an explanation of all the changes.

Petitioner has provided no evidence to suggest requiring an explanation results in an extraordinary situation where justice requires waiver of the rules. Changes are only being made to 24 drawing figures. Therefore, the portion of 37 CFR 1.173(b)(3) requiring an explanation of the drawings will not be waived.

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures be labeled "Amended."

The requirements of 37 CFR 1.173 result in an individual reviewing most reissues patent to easily recognize differences between the reissue application and the original patent. However, benefits resulting from 37 CFR 1.173 for third parties diminish greatly when extensive changes to a patent result in papers extremely difficult to comprehend if all the changes must be shown.

The Office has recognized complying with 37 CFR 1.173 can result in papers extremely difficult to understand due to the number and nature of the changes. For example, MPEP 410 states,

> If the changes to be made to the patent are so extensive that reading and understanding the specification is extremely difficult and error-prone, a clean, typed copy of the specification may be submitted if accompanied by a grantable petition under 37 CFR 1.183 for waiver of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1).

In the instant case, adding the label "Amended" to each of the drawing figures would not result in an extremely difficult to understand set of drawings.

Requiring petitioner to label each of the drawing figures as "Amended" would not place an extraordinary or undue burden on petitioner.

For the reasons above, the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures to be labeled is not waived.

The Office will not waive the requirements of 37 CFR 1.125.

Petitioner has not submitted a substitute specification. Petitioner has not stated changes to the specification, rather than the drawings, are necessary. Therefore, waiver of the requirements of 37 CFR 1.125(d) appears unnecessary.

The time period for reply set in the May 8, 2006 Office action continues to run.

An Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), was mailed May 8, 2006. The Office action set an extendable two month time period for reply.

37 CFR 1.181(f) states,

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183."

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

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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103 EAST NECK ROAD
HUNTINGTON, NY 11743

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OFFICE OF PETITIONS

In re Application of
Joaquin Aubert Capella
Application No. 29/210,607
Filed: August 3, 2004
Attorney Docket No. 1557RE A

ON PETITION

This is a decision on the petition filed June 10, 2009 under 37 CFR 1.137(b), 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 January 14, 2009, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 15, 2009.

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; (3) the required statement of unintentional delay and (4) terminal disclaimer have been received.

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

This matter is being referred to the Office of Data Management for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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In re Application of Capella :
Reissue Application No. 29/210,608 :
Reissue Filing Date: August 3, 2004 : Decision on Petition
Reissue of Patent No. D461393 :
Original Issue Date: August 13, 2002 :
Attorney Docket No. 1557RE :

This is a decision in response to the petition under 37 CFR 1.183 filed June 27, 2006.

The petition is **dismissed**.

37 CFR 1.173(b)(3) requires all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

37 CFR 1.173(b)(3) requires amended drawing figures be identified as "Amended."

Petitioner has filed a petition under 37 CFR 1.183 seeking to waive the requirements of 37 CFR 1.173(b)(3).

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

The Office action mailed May 8, 2006 objected to the drawings and stated,

> All changes to the drawings shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

Petitioner has not supplied an explanation of all the changes. Therefore, the Office presumes the petition is, in part, a request to waive the portion of 37 CFR 1.173(b) requiring an explanation of all the changes.

Petitioner has provided no evidence to suggest requiring an explanation results in an extraordinary situation where justice requires waiver of the rules. Changes are only being made to 24 drawing figures. Therefore, the portion of 37 CFR 1.173(b)(3) requiring an explanation of the drawings will not be waived.

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures be labeled "Amended."

The requirements of 37 CFR 1.173 result in an individual reviewing most reissues patent to easily recognize differences between the reissue application and the original patent. However, benefits resulting from 37 CFR 1.173 for third parties diminish greatly when extensive changes to a patent result in papers extremely difficult to comprehend if all the changes must be shown.

The Office has recognized complying with 37 CFR 1.173 can result in papers extremely difficult to understand due to the number and nature of the changes. For example, MPEP 410 states,

> If the changes to be made to the patent are so extensive that reading and understanding the specification is extremely difficult and error-prone, a clean, typed copy of the specification may be submitted if accompanied by a grantable petition under 37 CFR 1.183 for waiver of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1).

In the instant case, adding the label "Amended" to each of the drawing figures would not result in an extremely difficult to understand set of drawings.

Requiring petitioner to label each of the drawing figures as "Amended" would not place an extraordinary or undue burden on petitioner.

For the reasons above, the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures to be labeled is not waived.

The Office will not waive the requirements of 37 CFR 1.125.

Petitioner has not submitted a substitute specification. Petitioner has not stated changes to the specification, rather than the drawings, are necessary. Therefore, waiver of the requirements of 37 CFR 1.125(d) appears unnecessary.

The time period for reply set in the May 8, 2006 Office action continues to run.

An Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), was mailed May 8, 2006. The Office action set an extendable two month time period for reply.

37 CFR 1.181(f) states,

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183."

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

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

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OFFICE OF PETITIONS

In re Application of Lacey :
Application No. 29/210,609 :
Filing Date: August 4, 2004 :
Attorney Docket No. 08505.0022-00000 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed January 31, 2006, to withdraw the holding of abandonment.

The petition is **granted.**

A Notice of Allowance and Notice of Allowability were mailed on February 11, 2005.

A CPA and IDS were filed on April 15, 2005. When the papers were scanned into the electronic file, the CPA papers were scanned as part of the IDS. As a result, the computer system indicated an IDS had been received but failed to indicate a CPA had been received.

A supplemental Notice of Allowability was mailed on November 4, 2005.

A Notice of Abandonment was mailed on December 27, 2005.

The petition contends the application is not abandoned because a CPA was timely filed on April 15, 2005. Petitioner is clearly correct in so far as the file actually contains the CPA. Therefore, the application is not abandoned.

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

Technology Center Art Unit 2914 will be informed of the instant decision and will process the CPA 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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MICHAEL J. STRIKER
103 EAST NECK ROAD
HUNTINGTON, NY 11743

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AUG 15 2006
OFFICE OF PETITIONS

In re Application of Capella :
Reissue Application No. 29/210,610 :
Reissue Filing Date: August 3, 2004 : Decision on Petition
Reissue of Patent No. D461113 :
Original Issue Date: August 6, 2002 :
Attorney Docket No. 1557RE B :

This is a decision in response to the petition under 37 CFR 1.183 filed June 27, 2006.

The petition is **dismissed**.

37 CFR 1.173(b)(3) requires all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

37 CFR 1.173(b)(3) requires amended drawing figures be identified as "Amended."

Petitioner has filed a petition under 37 CFR 1.183 seeking to waive the requirements of 37 CFR 1.173(b)(3).

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring all changes "be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings."

The Office action mailed May 8, 2006 objected to the drawings and stated,

> All changes to the drawings shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

Petitioner has not supplied an explanation of all the changes. Therefore, the Office presumes the petition is, in part, a request to waive the portion of 37 CFR 1.173(b) requiring an explanation of all the changes.

Petitioner has provided no evidence to suggest requiring an explanation results in an extraordinary situation where justice requires waiver of the rules. Changes are only being made to 24 drawing figures. Therefore, the portion of 37 CFR 1.173(b)(3) requiring an explanation of the drawings will not be waived.

The Office will not waive the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures be labeled "Amended."

The requirements of 37 CFR 1.173 result in an individual reviewing most reissues patent to easily recognize differences between the reissue application and the original patent. However, benefits resulting from 37 CFR 1.173 for third parties diminish greatly when extensive changes to a patent result in papers extremely difficult to comprehend if all the changes must be shown.

The Office has recognized complying with 37 CFR 1.173 can result in papers extremely difficult to understand due to the number and nature of the changes. For example, MPEP 410 states,

> If the changes to be made to the patent are so extensive that reading and understanding the specification is extremely difficult and error-prone, a clean, typed copy of the specification may be submitted if accompanied by a grantable petition under 37 CFR 1.183 for waiver of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1).

In the instant case, adding the label "Amended" to each of the drawing figures would not result in an extremely difficult to understand set of drawings.

Requiring petitioner to label each of the drawing figures as "Amended" would not place an extraordinary or undue burden on petitioner.

For the reasons above, the portion of 37 CFR 1.173(b)(3) requiring amended drawing figures to be labeled is not waived.

The Office will not waive the requirements of 37 CFR 1.125.

Petitioner has not submitted a substitute specification. Petitioner has not stated changes to the specification, rather than the drawings, are necessary. Therefore, waiver of the requirements of 37 CFR 1.125(d) appears unnecessary.

The time period for reply set in the May 8, 2006 Office action continues to run.

An Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), was mailed May 8, 2006. The Office action set an extendable two month time period for reply.

37 CFR 1.181(f) states,

> The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.183."

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

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

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

TIMOTHY J MARTIN, PC
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

8/19/05

In re Application of
Richard K. Jung
Serial No.: 29/210,622
Filed: August 2, 2004
Attorney Docket No.: 2022

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.181, filed May 26, 2005, to withdraw the holding of abandonment.

This petition is **DISMISSED** as being **MOOT**.

Applicant has stated that a Notice to File Missing Parts dated September 15, 2004 was never received. However, applicant is in error, as the Notice was mailed to applicant (and responded to) after the filing of this petition.

The application will be 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.

Jacqueline M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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APR 12 2005

OFFICE OF PETITIONS

TIMOTHY J MARTIN PC
9250 W 5TH AVE
SUITE 200
LAKEWOOD CO 80226

In re Application of :
Jung, et al. :
Application No. 29/210,626 : DECISION ON PETITION
Filed: August 2, 2004 :
Attorney Docket No. 2023 :

This is a decision on the "PETITION TO ACCORD A FILING DATE PURSUANT TO 37 CFR §1.53(e)", filed November 26, 2004, to accord the above-identified application a filing date of August 2, 2004, with Figures 1 - 9 of the drawings as part of the original disclosure.

The petition is **DISMISSED** as moot.

Application papers in the above-identified application were deposited on August 2, 2004. However, on September 28, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete Nonprovisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings. In addition, applicants were notified that the statutory basic filing fee and the oath or declaration were missing.

A review of the application file reveals that the drawings were misplaced and placed into application no. 29/210,625. The drawings have since been placed into the instant application.

The $400 petition fee has been refunded to Deposit Account No. 13-1940.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of August 2, 2004, using the application papers received in the Office on that date, including the two (2) sheets of drawings, and for indication in office records that two (2) sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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 J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

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JAN 23 2007

OFFICE OF PETITIONS

In re Application of :
Nicoletti :
Application No. 29/210,666 :
Filed: August 4, 2004 :
Attorney Docket No. 377/9-1967 :
For: DESK

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 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 March 29, 2006, which set a three month period for reply. This application became abandoned on June 30, 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
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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WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

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APR 13 2007
OFFICE OF PETITIONS

In re Application of :
Nicoletti :
Application No. 29/210,666 : ON PETITION
Filed: August 4, 2004 :
Attorney Docket No. 377/9-1967 :
For: DESK

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed January 26, 2007, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed March 29, 2006, which set a three month period for reply. This application became abandoned on June 30, 2006. A Notice of Abandonment was mailed on August 24, 2006.

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 March 29, 2006 Notice of Allowability, a terminal disclaimer and required $65.00 fee (which was charged to applicant's deposit account), and the petition fee.

The petition is **granted**.

This application is being forwarded to Publishing Division for consideration of the drawings filed on August 31, 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

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P.O. Box 1450
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2941 FAIRVIEW PARK DRIVE
SUITE 200
FALLS CHURCH, VA 22042-7195

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OFFICE OF PETITIONS

In re Application of	:	
Ellis Williams et al	:	
Application No. 29/210,667	:	ON PETITION
Filed: August 4, 2004	:	
Attorney Docket No. 13144.0060.NPUS00	:	

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 **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 action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed September 16, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 17, 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 items **(1)** and **(3)** above.

As to item (1), the Declaration submitted on September 19, 2005 does not comply with 37 CFR 1.63 and 1.64. The Declaration fails to set forth the residence and post office address for inventor Ellis Williams. Further, the declaration signed by inventor Ellis Williams and the legal representative Laura S. Farah must also provide the last known residence, citizenship and mailing address of the deceased inventor and include the fact that the inventor is deceased on the declaration. See MPEP 409.03(a). Accordingly, a new declaration or ADS is required which is signed by inventor Williams and which sets forth the name of the deceased inventor as well as the name, residence and citizenship of the legal representative of the deceased inventor.

As to item (3), petitioner must submit a statement that the entire delay in filing the required reply from the due date for the reply until of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

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

The change of correspondence address filed on September 19, 2005 has not been entered since "[t]he mere filing of a 37 CFR 1.63 oath/declaration that does not include a correspondence address does not affect any correspondence address previously established on the filing of the application..." See MPEP 403.

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

Wan Laymon
Petitions Examiner
Office of Petitions

cc: LOCKE LIDDELL & SAPP
3400 JP MORGAN CHASE TOWER
600 TRAVIS STREET
HOUSTON, TX 77002-3095

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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SUITE 200
FALLS CHURCH, VA 22042-7195

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JAN 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Ellis Williams et al	:	
Application No. 29/210,667	:	ON PETITION
Filed: August 4, 2004	:	
Attorney Docket No. 13144.0060.NPUS00	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 10, 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 action decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed September 16, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 17, 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 **(1)** above.

As to item (1), the Declaration submitted on November 10, 2005 does not comply with 37 CFR 1.63 and 1.64. A supplemental sheet is enclosed.

Effective December 1, 1997, 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" be submitted. However, the statement presented will be accepted and 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 interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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

Enclosure: PTO/SB/2LR

cc: LOCKE LIDDELL & SAPP
3400 JP MORGAN CHASE TOWER
600 TRAVIS STREET
HOUSTON, TX 77002-3095

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United States Patent and Trademark Office
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2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-7195

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FEB 1 2 2007

OFFICE OF PETITIONS

In re Application of :
Ellis Williams et. al. :
Application No. 29/210,667 : ON PETITION
Filed: August 4, 2004 :
Attorney Docket No. 021864-060US :

This is a decision on the **renewed** petition under 37 CFR 1.137(b), filed May 9, 2006, to revive the above-identified design application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 16, 2004. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 17, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) in the form of an executed oath or declaration and surcharge set forth in the Notice; (2) the petition fee 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) a terminal disclaimer and fee as required by 37 CFR 1.137(d). **This petition lacks item (1) and (4).**

Regarding item (1), as part of the required reply, the $130 late oath or declaration surcharge has not been submitted as set forth in the Notice to File Missing Parts of Nonprovisional Application (Notice).

Regarding item (4), the terminal disclaimer filed on September 19, 2005 and May 9, 2006 has been reviewed and is NOT accepted. 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 terminal disclaimers were signed by Monte Rhodes (#54,396) who is NOT an attorney or agent of record. While the power of attorney filed on April 12, 2006 appointed practitioners associated with customer number 26720, and Monte Rhodes is listed as a practitioner of customer number 26720, the power of attorney filed on April 12, 2006 is not proper and has not been accepted.

The power of attorney filed April 12, 2006 has not been acceptable because it was not accompanied by a statement under 37 CFR 3.73(b) establishing right of assignee to take action (see form PTO/SB/96), furthermore it is not clear whether the title "assistant secretary" is a position of authority to act on behalf of what corporation or business as the assignee.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received. The change of address filed on September 19, 2005 and November 10, 2005, and May 9, 2006 was not signed by an attorney of record and the power of attorney filed on April 12, 2006 was not proper and has not been accepted.

The duplicate petition fee of $1,500 and duplicate terminal disclaimer fee of $130 filed on May 9, 2006 has been credited back to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

Amelia Au
Petitions Examiner
Office of Petitions

cc: LOCKE LIDDELL & SAPP LLP
ATTN. DOCKETING
600 TRAVIS #3400
HOUSTON, TX 77002

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600 TRAVIS STREET
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HOUSTON TX 77002

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OCT 11 2007
OFFICE OF PETITIONS

In re Application of Ellis Williams et al. Application No. 29/210,667 Filed: August 4, 2004 Attorney Docket No.: 021864-060US	DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b),[1] filed April 4, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on November 17, 2004, for failure to timely respond to the Notice to File Missing Parts mailed September 16, 2004 and which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed June 8, 2005. A petition to revive under 37 CFR 1.137(b) was filed September 19, 2005 but was dismissed in a decision mailed October 13, 2005. Renewed petitions filed November 10, 2005 and May 9, 2006 were dismissed in decisions mailed January 27, 2006 and February 12, 2007, respectively.

---

[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©)).

Comes now the instant renewed petition to revive.

The petition fee in the amount of $1500.00, previously paid, has been applied. As well, a proper oath or declaration in compliance with 37 CFR 1.63 and 1.64 and terminal disclaimer and fee in the amount of $130.00 has been properly applied.

All other requirements having been met, this matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

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

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FEB 15 2007

OFFICE OF PETITIONS

In re Application of :
Kiely, et al. :
Application No. 29/210,671 :
Filed: August 3, 2004 :
Attorney Docket No. 12236/6 :
For: BAG WITH A STRAP

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 22, 2006 (certificate of mailing date November 20, 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 5, 2006, which set a three month period for reply. This application became abandoned on July 6, 2006. A Notice of Abandonment was mailed on September 22, 2006.

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 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.

Box 2 on the terminal disclaimer form is not checked.

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

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

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MAY 10 2007

OFFICE OF PETITIONS

In re Application of :
Kiely, et al. :
Application No. 29/210,671 :
Filed: August 3, 2004 :
Attorney Docket No. 12236/6 :
For: BAG WITH A STRAP

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 29, 2007, to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice of Allowability, mailed April 5, 2006, which set a three month period for reply. This application became abandoned on July 6, 2006. A Notice of Abandonment was mailed on September 22, 2006.

Applicants have submitted a proper reply to the April 5, 2006 Notice of Allowability in the form of a sheet of drawings, an acceptable statement of the unintentional nature of the delay in responding to the April 5, 2006 Notice of Allowability, a terminal disclaimer and required fee, and the petition fee.

The petition is **granted**.

Petitioners were charged twice for the terminal disclaimer. Pursuant to petitioners' authorization, deposit account no. 23-1925 will be credited $65.00.

After the mailing of this decision, the application will be 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

IFW

Customer No. 31013 Attorney Docket No. 057738-22030

IPE JC146
JUN 13 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	S. Carnegie et al.
Serial No.	:	29/210,788
Filed	:	August 5, 2004
For:		NECKLACE
Examiner	:	Sarah Gill
Group Art Unit	:	2914

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP EXPEDITED DESIGN, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 7, 2005

Signature: _____
Aaron S. Haleva, Kramer Levin Naftalis & Frankel LLP

Mail Stop EXPEDITED DESIGN
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION UNDER 37 C.F.R. § 1.155

Sir:

I. Request

Applicants respectfully request that the Patent Office expedite the examination of the above-identified design patent application pursuant to 37 C.F.R. § 1.155. Applicants respectfully submit that this application qualifies for expedited examination pursuant to 37 C.F.R. § 1.155, because of the following: (1) the application has on file drawings in compliance with 37 C.F.R. § 1.84; (2) Applicants have conducted a preexamination search, in the fields of search as described below; (3) Applicants hereby authorize the Director to charge Deposit Account No. 50-0540 the amount of $900.00 for the request fee as set forth in 37 C.F.R. § 1.17(k), a duplicate copy of this paper being provided herewith; and (4) an Information Disclosure Statement in compliance with 37 C.F.R. §§ 1.98 is also submitted herewith.

Approved 6/15/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

06/14/2005 RMEBRAHT 00000034 500540 29210788
01 FC:1802 900.00 DA

KLJ:2416339.1

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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FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

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MAR 2 8 2007

OFFICE OF PETITIONS

In re Patent No. D521,714 :
Issued: May 30, 2006 :
Application No. 29/210,798 : ON PETITION
Filed: August 6, 2004 :
Attorney Docket No: **JCHO 0421497** :

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed August 21, 2006, 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.33d 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 and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

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
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RAYMOND Y. CHAN
108 N YNEZ AVENUE, #128
MONTEREY PARK, CA 91754

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MAR 23 2005

OFFICE OF PETITIONS

In re Application of	:
John Hu	:
Application No. 29/210,802	: DECISION GRANTING PETITION
Filed: August 6, 2004	: UNDER 37 CFR 1.181
Attorney Docket No. USD2635A-ZP1	:

This is in response to the February 15, 2005 communication, which is being treated as a petition under 37 CFR 1.181 for review of the decision of the Office of Initial Patent Examination (OIPE)in refusing to issue a Corrected Filing Receipt on the basis that the inventor has changed his name after the application was filed.

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

The petition states that the inventor's surname was incorrectly misspelled at the time of filing of the original application documents in that the inventor's surname should have been spelled as - Hu - rather than "Wu." As a result of the misspelling of the inventor's surname, petitioner asserts that the inventor's name has not in fact changed after the filing of the application papers, as indicated by OIPE.

MPEP 605.04(b) states:

> Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.181 together with an appropriate petition fee.

Therefore, when a typographical or transliteration error in the spelling of the inventor's name is discovered during the pendency of an application, a petition is not required nor is a new oath or declaration under 37 CFR 1.63 needed. However, it is strongly recommended that applicant use an Application Data Sheet (*see* 37 CFR 1.76) such that any patent to issue will reflect the correct spelling of the inventor's name. By doing so, any patent to issue is more likely to reflect the correct spelling of the inventor's name since the spelling of the inventor's name is taken from the oath or

declaration as originally filed, or on any subsequently filed Application Data Sheet.

In view of the above and since the spelling of the inventor's name was a misspelling as contemplated by MPEP 605.04(b), it would be appropriate to issue a Corrected Filing Receipt.

Accordingly, a Corrected Filing Receipt which reflects the correct spelling of the inventor's surname accompanies this decision on petition.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2911 for examination in due course.

Frances Hicks

Frances Hicks
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

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York, NY 10017

COPY MAILED
NOV 24 2006
OFFICE OF PETITIONS

In re Application of	:	
Jonathan Kelsey	:	
Application No. 29/210812	:	
Filing or 371(c) Date: 08/05/2004	:	ON PETITION
Patent No. D525018	:	
Issue Date: 07/18/2006	:	
For: SHOE	:	

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
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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866 United Nations Plaza
New York NY 10017

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MAR 3 0 2007

OFFICE OF PETITIONS

NOTICE

In re Patent No. D525,417 :
Issue Date: July 25, 2006 :
Application No. 29/210,818 :
Filed: August 5, 2004 :
Attorney Docket No. JCHO 0421500 :

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 17, 2009

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/10842/ D574512

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

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: _____

_____

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_____

SPE

2914
Art Unit

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FEB 17 2006

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
Giovanni Mazzarolo	:	
Application No. 29/210,846	:	ON PETITION
Filed: August 9, 2004	:	
Attorney Docket No. 4014-0173PUS1	:	

This is a decision on the petition under 37 CFR 1.314, filed November 17, 2005, to defer issuance of the patent. This is also a decision on the petition under 37 CFR 1.182, filed November 17, 2005, to correct the name of the inventor.

The petitions are **GRANTED**.

In the event that the correct inventor's name is not printed on the patent, applicant may file a Request for a Certificate of Correction under 37 CFR 1.323.

Telephone inquiries 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

cc: **Attachment**: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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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
29/210,846	08/09/2004	2912	340	4014-0173PUS1	6	1	1

CONFIRMATION NO. 4957
CORRECTED FILING RECEIPT
OC000000018076730
OC000000018076730

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 02/16/2006

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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. 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)

Giovanni Mazzarolo, Coste di Maser (Treviso), ITALY;

Power of Attorney: The patent practitioners associated with Customer Number **02292**.

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 000189428 06/14/2004

If Required, Foreign Filing License Granted: 09/21/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/210,846

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

BOOT FOR MOTORCYCLING

Preliminary Class

D02

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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 25 2006

OFFICE OF PETITIONS

In re Application of	:	
Giovanni Mazzarolo	:	
Application No. 29/210,847	:	ON PETITION
Filed: August 9, 2004	:	
Attorney Docket No. 4014-01742PUS1	:	

This is a decision on the petition under 37 CFR 1.182 and 37 CFR 1.314, filed november 17, 2005, to change the inventor's name and to defer issuance of the instant application into a patent.

The petitions are **GRANTED**.

The inventor's has been changed from Gabriele Mazzarolo to **Giovanni Mazzarolo**.[1] A corrected filing receipt is enclosed.

In the absence of an extraordinary circumstance, it has been the policy of the Office to defer issuance of a patent, upon request, for a period of up to one month only. Note MPEP 1306.01. Accordingly, the deferral period has not passed.

This matter is being referred to Publishing Division to be issued into a patent.

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

Wan Laymon
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

---

[1] Applicant's name spelled as "Gabriele Mazzarolo" on the priority Application No. 000189428, filed 06/14/2004.

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OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
Giovanni Mazzarolo	:	
Application No. 29/210,848	:	ON PETITION
Filed: August 9, 2004	:	
Attorney Docket No. 4014-0171PUS1	:	

This is a decision on the petition under 37 CFR 1.314, filed November 17, 2005, to defer issuance of the patent. This is also a decision on the petition under 37 CFR 1.182, filed November 17, 2005, to correct the name of the inventor.

The petitions are **GRANTED**.

In the event that the correct inventor's name is not printed on the patent, applicant may file a Request for a Certificate of Correction under 37 CFR 1.323.

Since the requested deferral period pursuant to MPEP 1306.01 has now passed, the application will be referred to Patent Publication.

Telephone inquiries 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

cc: **Attachment**: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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
29/210,848	08/09/2004	2912	340	4014-0171PUS1	6	1	1

CONFIRMATION NO. 4959
CORRECTED FILING RECEIPT
OC000000018076751
OC000000018076751

02292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Date Mailed: 02/16/2006

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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. 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)

Giovanni Mazzarolo, Coste di Maser (Treviso), ITALY;

Power of Attorney: The patent practitioners associated with Customer Number **02292**.

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 000189428 06/14/2004

If Required, Foreign Filing License Granted: 09/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/210,848

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

BOOT FOR MOTORCYCLING

Preliminary Class

D02

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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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.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign 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 : Dec. 12 2008

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.:/29/210967 /D529522

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

Magdalene Talley
Certificates of Correction Branch
703-308-9390 ext. 116

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: _____

_____

_____

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_____

2915

ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060306

DATE : March 6, 2006

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction on Patent No.: 2/6/2006

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:

RAD ROBERT A. DELEHANTY
PRIMARY EXAMINER

SPE: Louis S. Zarfas **Art Unit** 2914

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 21, 2007

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No. 29/211016 patent No.: D519785

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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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: _____

Gary D. Watson — SPE

2915 — Art Unit

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

OIPE
FEB 04 2005
TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Douglas J. Hohlbein et al.	)	
Application No.: 29/211,025	)	Group Art Unit: 2911
Filed: August 11, 2004	)	Examiner: TO BE ASSIGNED
For: **HANDLE PORTION OF A TOOTHBRUSH**	)	Attorney Docket No.: 016427.00016

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII). A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses:D4/101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 127 and 138; 15/28, 110, 143.1, 167.1, 167.2, 180, Dig. 5; 132/308 and 601/141. Examiner Lavone Tabor of Group 2900 was consulted. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination search or within related files of the assignee. The attached documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a handle portion of a toothbrush. Applicants submit that the toothbrush claimed in the present application patentably distinguishes

02/07/2005 SDENBOB1 00000079 190733 29211025
01 FC:1464 130.00 DA

OIPE JC73
FEB 0 4 2005
PATENT & TRADEMARK OFFICE

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Douglas J. Hohlbein et al.	)	
Application No.: 29/211,026	)	Group Art Unit: 2911
Filed: August 11, 2004	)	Examiner: TO BE ASSIGNED
For: **HANDLE PORTION OF A TOOTHBRUSH**	)	Attorney Docket No.: 016427.00017

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII). A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses:D4/101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 127 and 138; 15/28, 110, 143.1, 167.1, 167.2, 180, Dig. 5; 132/308 and 601/141. Examiner Lavone Tabor of Group 2900 was consulted. The patents and documents listed on the attached PTO-1449 (1 sheet) were found in the pre-examination search or within related files of the assignee. The attached documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a handle portion of a toothbrush. Applicants submit that the toothbrush claimed in the present application patentably distinguishes

Gp 2-4-05

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

MAY 25 2005

In re Application of	:	
HOHLBEIN.	:	
Serial Number: 29/211,027	:	PETITION UNDER
Filed: August 11, 2004	:	M.P.E.P.708.02 VIII
For: HANDLE PORTION OF A TOOTHBRUSH	:	

This is in response to the petition filed February 4, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF, LTD., ATTORNEYS FOR RESERVE
CLIENT NO. 3
1001 G STREET, N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597

PETITION GRANTED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE JC73 FEB 0 4 2005 PATENT & TRADEMARK OFFICE

William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

In re Application of:	)	
	)	
Douglas J. Hohlbein	)	
	)	
Application No.: 29/211,028	)	Group Art Unit: 2911
	)	
Filed: August 11, 2004	)	Examiner: TO BE ASSIGNED
	)	
For: **BRISTLE PATTERN FOR A TOOTHBRUSH**	)	Attorney Docket No.: 016427.00019

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D4/101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 127 and 138; 15/28, 110, 143.1, 167.1, 167.2, 180, Dig. 5; 132/308 and 601/141. Examiner Lavone Tabor of Group 2900 was consulted. The patents and documents listed on the attached PTO-1449 (1 sheet) were found in the pre-examination search or within related files of the assignee. The attached documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a bristle pattern for a toothbrush. Applicant submits that the toothbrush claimed in the present application patentably distinguishes

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01 FC:1464 130.00 DA

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

MAY 25 2005

In re Application of HOHLBEIN. Serial Number: 29/211,029 Filed: August 11, 2004 For: PORTION OF A TOOTHBRUSH	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 4, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF, LTD., ATTORNEYS FOR RESERVE
CLIENT NO. 3
1001 G STREET, N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597

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

MAY 25 2005

In re Application of
HOHLBEIN.
Serial Number: 29/211,030
Filed: August 11, 2004
For: BRISTLE PATTERN FOR A TOOTHBRUSH

PETITION UNDER
M.P.E.P.708.02 VIII

This is in response to the petition filed February 4, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF, LTD., ATTORNEYS FOR RESERVE
CLIENT NO. 3
1001 G STREET, N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597

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

LAW OFFICE OF L JACK GIBNEY
8777 SAN JOSE BLVD
SUITE 502
JACKSONVILLE FL 32217

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AUG 2 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Frank B. Silva	:	
Application No. 29/211,045	:	DECISION ON PETITION
Filed: August 10, 2004	:	
Title: Gear Shift Indicator	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed January 20, 2006.[1]

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 further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed June 22, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on September 23, 2005. A Notice of Abandonment was mailed December 29, 2005.

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[1] A copy was re-filed on January 23, 2006, and an additional copy of the drawings were re-filed on January 24, 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 instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

Furthermore, the instant petition lacks a signature pursuant to 37 CFR 1.4(d).

Receipt of the $750 petition fee is acknowledged.

Further correspondence concerning this application 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

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

LAW OFFICE OF L JACK GIBNEY
8777 SAN JOSE BLVD
SUITE 502
JACKSONVILLE FL 32217

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JAN 16 2007

OFFICE OF PETITIONS

[redacted]

In re Application of	:	
Frank B. Silva	:	
Application No. 29/211,045	:	DECISION ON PETITION
Filed: August 10, 2004	:	
Title: Gear Shift Indicator	:	

This is a decision on the renewed petition to revive the above-identified application under 37 CFR 1.137(b), filed September 1, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file corrected drawings in response to the Notice of Allowability, mailed June 22, 2005. This Notice set a statutory period for reply of three (3) months. No reply having been received, the application became abandoned on September 23, 2005. A Notice of Abandonment was mailed December 29, 2005. Applicant filed a petition to revive on January 20, 2006. However, the petition was dismissed in a decision mailed on August 24, 2006. The petition lacked a terminal disclaimer. In addition, the petition was not signed.

With the instant petition, petitioner has submitted a terminal disclaimer and fee. The other requirements for a grantable petition were satisfied with the earlier filed petition.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

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

8/4/05

JERRY CHRUMA
SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
PATENT ADMINISTRATION DEPT MD/A7000
PO BOX 62890
PHOENIX AZ 85082-2890

In re Application of	
Phillip Celaya	:
Serial No.: 29/211,047	:
Filed: August 11, 2004	: PETITION DECISION
Attorney Docket No.: ONS00630F2	:
	:

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, filed May 16, 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 December 14, 2004. As no response was received by March 14, 2005, a Notice of Abandonment was mailed May 5, 2005. 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 Transmission date of February 3, 2005 and an Auto-Reply Facsimile Transmission from the Office, showing that the transmission was timely received. Therefore, the case was abandoned in error

The Issue fee of $800.00 will be charged to applicant's Deposit Account 50-1086, 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 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

MAY 25 2005

In re Application of HOHLBEIN. Serial Number: 29/211,055 Filed: August 11, 2004 For: PORTION OF A TOOTHBRUSH	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 4, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF, LTD., ATTORNEYS FOR RESERVE
CLIENT NO. 3
1001 G STREET, N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597

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

OCT 19 2004

HARSHAW RESEARCH INCORPORATED
P.O. BOX 418
OTTAWA, KS 66067

In re Application of	:	
Ralph E. Clark	:	
Serial No. 29/211,086	:	DECISION ON PETITION
Filed: August 11, 2004	:	
Title: Bird Seed Saver	:	

This is in response to applicants' petition filed August 11, 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, 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.gov

SCULLY, SCOTT,
MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY NY 11530-3319

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AUG 2 6 2008

In re Patent No. D537,385 :
Issue Date: 27 February, 2007 :
Application No. 29/211,106 : DECISION
Filed: 11 August, 2004 :
Attorney Docket No. 18102D

This is a decision on the petition filed on 6 August, 2007, requesting issuance of duplicate Letters Patent for the above-identified patent/application under 37 C.F.R. §1.182.

The Office regrets the delay in addressing the instant matter, however, the matter was presented to the attorneys in the Office of Petitions only at this writing.

The petition is **GRANTED.**

BACKGROUND

Petitioner Edward W. Grolz (Reg. No 33,705) has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has declared that the patent apparently was lost.

Petitioner has demonstrated that the petition fee has been paid as required for the petition under 37 C.F.R. §1.182.

Out of an abundance of caution, Petitioners always are reminded that that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

Patent No. D537,385
Application No. 29/211,106

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

The Publishing Division is directed to issue duplicate Letters Patent.

A copy of this decision is being forwarded to Publishing Division for issuance of duplicate Letters Patent.

The file is being released to the IFW Repository.

Any questions regarding the issuance of the duplicate Letters Patent should be directed to Ms. Niomi Farmer, Office of Data Management, Office: 703-308-9250x119, Fax: 571-270-9753.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc: Ms. Niomi Farmer, ST/8C23 FAX: (571) 270-9753

---

and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,160
Filed: August 11, 2004
For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 25, 2005 (Certificate of Mailing date: April 22, 2005).

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 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 August 11, 2004 without an executed oath or declaration and naming Jessica Tompkins, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez as joint inventors.

Accordingly, on September 22, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, a filing fee and a surcharge for their late filing.

In response, on April 25, 2005 (Certificate of Mailing date: April 22, 2005), the instant petition and a five (5) month extension of time were 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;

(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), it does not appear that an express oral or written refusal has been made by the non-signing inventors. Furthermore, it appears that "discussions remain ongoing." As such, applicant should provide additional statements regarding the status of any further communications with the non-signing inventors and whether the inventors have refused to sign the declaration.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of Jessica Tompkins, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez Application No. 29/211,160 Filed: August 11, 2004 For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER	: : : : : : : :	DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed August 5, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventors have 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 inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2900 for examination *in due course*.

Telephone inquiries regarding this decision 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
www.uspto.go

JESSICA TOMPKINS
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,160
Filed: August 11, 2004
For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER

Dear JESSICA TOMPKINS:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. 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
Office of the Deputy Commissioner
for Patent Examination Policy

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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

WILLIAM LAVIGNE
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,160
Filed: August 11, 2004
For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER

Dear WILLIAM LAVIGNE:

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.

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JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,161
Filed: August 11, 2004
For: PILL-SHAPED ON PREMISES ELECTRONIC PAGER WITH FLATTENED SIDES

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 25, 2005 (Certificate of Mailing date: April 22, 2005).

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 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 August 11, 2004 without an executed oath or declaration and naming Jessica Tompkins, Erin Hassett, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez as joint inventors.

Accordingly, on September 22, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, a filing fee and a surcharge for their late filing.

In response, on April 25, 2005 (Certificate of Mailing date: April 22, 2005), the instant petition and a five (5) month extension of time were 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;

(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), it does not appear that an express oral or written refusal has been made by the non-signing inventors. Furthermore, it appears that "discussions remain ongoing." As such, applicant should provide additional statements regarding the status of any further communications with the non-signing inventors and whether the inventors have refused to sign the declaration.

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

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401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
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Office of Petitions/Patent
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AUG 17 2005

OFFICE OF PETITIONS

In re Application of Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez Application No. 29/211,161 Filed: August 11, 2004 For: PILL-SHAPED ON PREMISES ELECTRONIC PAGER WITH FLATTENED SIDES	:	DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed August 5, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventors have 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 inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2900 for examination *in due course*.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
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JESSICA TOMPKNS
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,161
Filed: August 11, 2004
For: PILL-SHAPED ON PREMISES ELECTRONIC PAGER WITH FLATTENED SIDES

Dear JESSICA TOMPKNS:

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.

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ERIN HASSETT
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,161
Filed: August 11, 2004
For: PILL-SHAPED ON PREMISES ELECTRONIC PAGER WITH FLATTENED SIDES

Dear ERIN HASSETT:

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.

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OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,161
Filed: August 11, 2004
For: PILL-SHAPED ON PREMISES ELECTRONIC PAGER WITH FLATTENED SIDES

Dear WILLIAM LAVIGNE:

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.

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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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Paper No. None

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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MAR 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Jurgen Parlowski	:	
Application No. 29/211,162	:	DECISION ON PETITION
Filed: August 11, 2004	:	
Attorney Docket Number: 0124-0273P	:	
Title: CAN OPENER	:	

This is a decision on the petition filed November 17, 2004, requesting that The one page specification be accorded a filing date of August 11, 2004, as part of the original disclosure.

The application was deposited on August 11, 2004. However, on September 22, 2004, 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 advising applicants that a filing date would be accorded upon the receipt of a specification. The notice set a two-month period for response.

In response, on November 17, 2004, applicants filed the present petition. The petition is further accompanied by the petition fee, a copy of the one page specification, and a copy of applicants' postcard receipt acknowledging receipt of "Specification: 1 page" in the United States Patent and Trademark Office (Office) on August 11, 2004. Applicants request that the one page specification be accorded a filing date of August 11, 2004 as part of the original disclosure.

It is noted that the one page specification has been located in the electronic file. It appears that the one page specification was mislabeled as part of the Utility Application Transmittal Sheet. As such, it is clear that the application papers deposited on August 11, 2004 included this one page specification.

As such, the application, including the one page specification, was complete on filing and the specification is entitled to a filing date of August 11, 2004 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 22, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary. The petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

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 unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of August 11, 2004, using the original application papers filed on that date, as well as the one page specification submitted on August 11, 2004 and resubmitted on November 17, 2004 and for indication in Office records that this page was present on filing. OIPE will then mail a corrected filing receipt.

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

cc: BIRCH, STEWART, KOLASCH & BIRCH, LLP
10940 WILSHIRE BOULEVARD
LOS ANGELES, CA 90024-4450

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

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,164
Filed: August 11, 2004
For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER WITH CHARGING NOTCH

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 25, 2005 (Certificate of Mailing date: April 22, 2005).

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 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 August 11, 2004 without an executed oath or declaration and naming Jessica Tompkins, William Livigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez as joint inventors.

Accordingly, on September 22, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration, a filing fee and a surcharge for their late filing.

In response, on April 25, 2005 (Certificate of Mailing date: April 22, 2005), the instant petition and a five (5) month extension of time were 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;

(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), it does not appear that an express oral or written refusal has been made by the non-signing inventors. Furthermore, it appears that "discussions remain ongoing." As such, applicant should provide additional statements regarding the status of any further communications with the non-signing inventors and whether the inventors have refused to sign the declaration.

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

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Attn: Office of Petitions

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Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

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Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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AUG 17 2005

OFFICE OF PETITIONS

In re Application of Jessica Tompkins, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez Application No. 29/211,164 Filed: August 11, 2004 For: BOOM BOX-SHAPED ON PREMISES ELECTRONIC PAGER WITH CHARGING NOTCH	:	DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed August 5, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventors have 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 inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2900 for examination *in due course.*

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

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OFFICE OF PETITIONS

In re Application of
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Application No. 29/211,164
Filed: August 11, 2004
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ELECTRONIC PAGER WITH CHARGING NOTCH

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In re Application of
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In re Application of
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Application No. 29/211,166
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For: PILL-SHAPED ON-PREMISES ELECTRONIC PAGER

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 25, 2005 (Certificate of Mailing date: April 22, 2005).

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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).

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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Jessica Tompkins, Erin Hassett, William	:	
Lavigne, Paul Estenson, Daniel Tompkins,	:	
Philip Remedios and Robert Vasquez	:	
Application No. 29/211,166	:	DECISION GRANTING PETITION
Filed: August 11, 2004	:	UNDER 37 CFR 1.47(a)
For: PILL-SHAPED ON-PREMISES	:	
ELECTRONIC PAGER	:	

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed August 5, 2005.

The petition is **granted**.

Petitioner has shown that the non-signing inventors have 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 inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The file is being forwarded to Technology Center 2900 for examination *in due course.*

Telephone inquiries regarding this decision 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
www.uspto.go

JESSICA TOMPKNS
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,166
Filed: August 11, 2004
For: PILL-SHAPED ON-PREMISES ELECTRONIC PAGER

Dear JESSICA TOMPKNS:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. 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
Office of the Deputy Commissioner
for Patent Examination Policy

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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

ERIN HASSETT
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,166
Filed: August 11, 2004
For: PILL-SHAPED ON-PREMISES ELECTRONIC PAGER

Dear ERIN HASSETT:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. 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
Office of the Deputy Commissioner
for Patent Examination Policy

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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

WILLIAM LAVIGNE
C/O TARGET BRANDS, INC.
1000 NICOLLET MALL
MINNEAPOLIS, MN 55403

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Application of
Jessica Tompkins, Erin Hassett, William Lavigne, Paul Estenson, Daniel Tompkins, Philip Remedios and Robert Vasquez
Application No. 29/211,166
Filed: August 11, 2004
For: PILL-SHAPED ON-PREMISES ELECTRONIC PAGER

Dear WILLIAM LAVIGNE:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. 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
Office of the Deputy Commissioner
for Patent Examination Policy

DANIEL H. GOLUB
1701 MARKET STREET
PHILADEPHIA, PA 19103

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

OLIFF & BERRIGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

COPY MAILED

MAR 17 2005

OFFICE OF PETITIONS

In re Application of :
Severine Arlanda :
Application No. 29/211,184 :
Filed: August 12, 2004 : ON PETITION
For: Watch :

This is a decision on the Response to Notice of Incomplete Nonprovisional Application and Petition Under 37 CFR 1.53(b) for the August 12, 2004 Filing Date, filed February 17, 2005, requesting the above-identified application be accorded a filing date of August 12, 2004, including 1 page of specification and a claim.

The application was filed on August 12, 2004. On January 13, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the specification was missing and the specification did not include at least one claim.

Applicant responds with the instant petition wherein Applicant avers that 1 page of specification and a claim were originally filed with the application on August 12, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 1 page of specification in the above-identified application by this Office on August 12, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, August 12, 2004 in the above-identified application by this Office on August 12, 2004. Applicant has also re-filed the one page of specification wherein the claim appears at the bottom of the specification[1].

"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.

[1] Applicant is advised that the claim should commence on a separate sheet. (MPEP 608(i) - (p).

Accordingly, the petition is granted.

The copy of 4 pages of drawings, filed with the instant petition on January 13, 2005, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 12, 2004, and an indication that 1 page of specification including one claim were present on filing, using the 1 page of specification filed with the instant petition on February 17, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
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

WARNER LAMBERT COMPANY
201 TABOR RD
MORRIS PLAINS NJ 07950

COPY MAILED

SEP 30 2004

OFFICE OF PETITIONS

In re Application of	:	
Grant, et al.	:	
Application No. 29/211,226	:	ON PETITION
Filed: August 12, 2004	:	
Attorney Docket No. PC 32525	:	

This is a decision on the "PETITION TO CORRECT FILING DATE AND DATE-IN DISCREPANCY UNDER 37 C.F.R. §1.10(c)", filed September 3, 2004, to accord the above-identified application a filing date of August 12, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on August 12, 2004, not August 13, 2004. In support thereof, petitioner has included a copy of the above-identified application, bearing Express Mail number EL 992813918 US. Petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EL 992813918 US was "en route" on August 12, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, Petitioner has not included a true copy of the Express Mail label for the above-identified application. However, this requirement is being waived by the Office *sua sponte* in light of the corroborating USPS website evidence.

In view of the above, the application is entitled to a filing date of August 12, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **August 12, 2004, not August 13, 2004.**

Telephone inquiries concerning this decision should 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

WARNER LAMBERT COMPANY
201 TABOR RD
MORRIS PLAINS NJ 07950

COPY MAILED

SEP 3 0 2004

OFFICE OF PETITIONS

In re Application of	:	
Grant, et al.	:	
Application No. 29/211,227	:	ON PETITION
Filed: August 12, 2004	:	
Attorney Docket No. PC 32525	:	

This is a decision on the "PETITION TO CORRECT FILING DATE AND DATE-IN DISCREPANCY UNDER 37 C.F.R. §1.10(c)", filed September 3, 2004, to accord the above-identified application a filing date of August 12, 2004.

The petition is **GRANTED**.

Petitioner argues that the above-identified application was filed on August 12, 2004, not August 13, 2004. In support thereof, petitioner has included a copy of the above-identified application, bearing Express Mail number EL 992813904 US. Petitioner has also included a copy of a printout from the United States Postal Service (USPS) website, indicating that Express Mail number EL 992813904 US was "en route" on August 12, 2004.

37 CFR 1.10(c) states that any person filing correspondence under 37 CFR 1.10, who can show that there is a discrepancy between the filing date accorded by the Office and the date of deposit as shown by the "date-in" on the Express Mail mailing label, may petition the Office to accord the correspondence a filing date as of the "date-in" on the Express Mail mailing label, provided:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fees(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Here, Petitioner has not included a true copy of the Express Mail label for the above-identified application. However, this requirement is being waived by the Office *sua sponte* in light of the corroborating USPS website evidence.

In view of the above, the application is entitled to a filing date of August 12, 2004.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **August 12, 2004, not August 13, 2004.**

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

OIPE
MAR 0 2 2005
JC96
TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey C. Fong	)	
Application No.: 29/211,263	)	Group Art Unit: 2913
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00497

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDENBOB1 00000142 198733 29211263
01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
MAR 23 2005

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 2 5 2005

In re Application of	:	
Jeffrey C. Fong	:	
Serial Number: 29/211,263	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

OIPE
MAR 0 2 2005
JC98
TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Mark R. Gibson	)	
Application No.: 29/211,264	)	Group Art Unit: 2913
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00498

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDENBOB1 00000136 190733 29211264

01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 MAR 2 3 2005

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 2 5 2005

In re Application of	:	
Mark R. Gibson	:	
Serial Number: 29/211,264	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

OIPE
MAR 0 2 2005
JC68
TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Mark R. Gibson	)	
Application No.: 29/211,265	)	Group Art Unit: 2913
Filed: August 13, 2004	)	Examiner: TO BE ASSIGNED
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00499

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/04/2005 SDENBOBI 00000007 198733 29211265

01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

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
www.uspto.gov

JUL 2 5 2005

In re Application of	:	
Mark R. Gibson	:	
Serial Number: 29/211,265	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : June 8, 2007

TO SPE OF : ART UNIT [redacted] 2915

SUBJECT : Request for Certificate of Correction for Appl. No. 29/211267 patent no.D535923

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**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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: _____

Gary D. Walton — **SPE**

2915 — **Art Unit**

OIPE
MAR 0 2 2005
JC98
TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey C. Fong et al.	)	
Application No.: 29/211,268	)	Group Art Unit: 2913
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00489

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDEMBOB1 00000141 190733 29211268

01 FC:1464 130.00 DA

Dear Sir:

Applicants hereby petition the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicants submit that the portion of a display screen claimed in the present application

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
www.uspto.gov

AUG 3 1 2005

In re Application of	:	
Jeffrey C. Fang et al.	:	
Serial Number: 29/211,268	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed January 25, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

This application was made special in response to a petition filed March 2, 2005. Enclosed is a copy of the granted petition, which was mailed on April 4, 2005.

Accordingly the petition is **DISMISSED.**

Richard Crispino, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

MAR 0 2 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Mark R. Gibson	)	
Application No.: 29/211,270	)	Group Art Unit: 2911
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00491

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDENBOB1 00000139 198733 29211270

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

APR 4 2005

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
www.uspto.gov

JUL 2 5 2005

In re Application of	:	
Mark R. Gibson	:	
Serial Number: 29/211,270	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

OIPE JC98
MAR 0 2 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Kort Sands	)	
Application No.: 29/211,271	)	Group Art Unit: 2911
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00492

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDENBOB1 00000130 190733 29211271

Dear Sir:

01 FC:1464 130.00 DA

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

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
www.uspto.gov

JUL 2 5 2005

In re Application of	:	
Kort Sands	:	
Serial Number: 29/211,271	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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

MAY 25 2005

In re Application of MACKENZIE ET AL. Serial Number: 29/211,272 Filed: August 13, 2004 For: PORTION OF A DISPLAY SCREEN	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed March 2, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF LTD.
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH FLOOR
WASHINGTON, DC 20001-4597

OIPE JC98
MAR 0 2 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
William H. Vong	)	
Application No.: 29/211,273	)	Group Art Unit: 2911
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00493

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

03/03/2005 SDENBOB1 00000148 190733 29211273

01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

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
www.uspto.gov

AUG 11 2005

In re Application of	:	
William H. Vong	:	
Serial Number: 29/211,273	:	PETITION UNDER
Filed: August 13, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN	:	

This is in response to the petition filed July 25, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

P E JC98
APR 0 2 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey C. Fong	)	
Application No.: 29/211,274	)	Group Art Unit: 2911
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00495

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

03/04/2005 SDENBOB1 00000008 198733 29211274

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 APR - 4 2005

OIPE JC98
MAR 0 2 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Mark Gibson	)	
Application No.: 29/211,275	)	Group Art Unit: 2911
Filed: August 13, 2004	)	Examiner: M. Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00496

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d), INFORMATION DISCLOSURE STATEMENT AND STATEMENT OF RELATED APPLICATIONS

03/04/2005 SDENBOB1 00000009 198733 29211275

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D14/485, 486, 487, 488, 489, 490, 491, 492, 493, 494 and 495; D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33; D19/6 and 7; D20/11 and 18; D21/324, 325, 326, 327, 328, 329, 330, 331, 332 and 333; 345/683 and 902; 715/700-726, 762-867 and 973-977. Primary Examiner Melanie Tung of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office.

The search results are listed on the attached PTO-1449 (1 sheet). The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a portion of a display screen. Applicant submits that the portion of a display screen claimed in the present application

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
www.uspto.gov

JUL 2 5 2005

In re Application of Mark Gibson Serial Number: 29/211,275 Filed: August 13, 2004 For: PORTION OF A DISPLAY SCREEN	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed July 12, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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
OIW Apr-05

BELASCO, JACOBS & TOWNSLEY LLP
HOWARD HUGHES CENTER
6100 CENTER DRIVE
SUITE 630
LOS ANGELES CA 90045

COPY MAILED
APR 26 2005
OFFICE OF PETITIONS

In re Application of	:	
Frye et al.	:	
Application No. 29/211,278	:	LETTER DISMISSING PETITION
Filed: 12 August, 2004	:	
Atty Docket No. 04-211-T	:	

This is in response to the paper styled as a petition under 37 CFR 1.47(a), filed on 14 March, 2005.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The instant paper is not a proper petition because it has not been signed by all of the named inventors or a registered patent attorney.[1] Furthermore, the proper petition fee has not been paid.

It is noted that a grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the

[1] 37 CFR 1.33(b)(5). See MPEP 403

oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1), (2), and (3).

With regard to item (1), petitioners have not provided proof that the non-signing inventor was ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).[2] In order for a Rule 47 petition to be granted, the inventor **must** be afforded an opportunity to review the application.[3] Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

If the envelope sent to the non-signing inventor at the last known address is returned as undeliverable by the post office, petitioners should provide a copy of the envelope showing that the application was returned as undeliverable with any renewed petition. If the inventor refuses in writing to sign, a copy of that written refusal should be provided with any renewed petition. If the inventor refuses orally, petitioners should

---

[2] MPEP 409.03(d).

[3] See In re Gray, 115 USPQ 80 (Comm'r Pat. 1956). The application papers must be sent or given to the non-signing inventor unless he or she refuses to accept delivery of the papers.

submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have shown that despite diligent efforts, the inventor could not be reached.

With regard to item (2), the declaration submitted with the present petition is defective in that the citizenship, residence, and mailing address for the non-signing inventor has not been completed. The declaration submitted under 37 CFR 1.63 and 1.67 must contain the name, citizenship, residence, and mailing address for each inventor. Under 37 CFR 1.47(a) the Declaration is acceptable if all the signing inventors signed in their respective signature blocks and the signature block of the non-signing inventor is left blank or all the signing inventors sign a statement saying that they are signing on behalf of the non-signing inventor.

Petitioners should provide a declaration containing the name, citizenship, residence, and mailing address for all the inventors. The signature block for the signing inventor should be signed by that inventor, while the signature block for the non-signing inventor should be left unsigned. All of the other relevant information (e.g. name, citizenship, residence, and mailing address) for the non-signing inventor must be included on the declaration.

A new declaration containing all of the required information, signed by all of the signing inventors on behalf of themselves and the non-signing inventor should be submitted with a renewed petition.

With regard to item (3), patent and trademark fees and charges payable to the U.S. Patent and Trademark Office are required to be paid in advance, that is, at the time of requesting any action by the Office for which a fee or charge is payable.[4] Effective 8 December, 2004, the petition fee for a petition under 37 CFR 1.47(a) is $200.00. As such, the petition fee is a prerequisite to the filing of the present petition, and the Office will not reach the merits of the petition unless and until the petition fee is submitted. Any request for reconsideration of this petition must be accompanied by the petition fee.

---

[4] 37 CFR 1.22(a).

The Power of Attorney filed on 14 March, 2005, with the present petition cannot be accepted because it is signed by fewer than all of the inventors.[5] A new power of attorney should be filed with a renewed petition.

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

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

By FAX: (703) 872-9306
Attn: Office of Petitions

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

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

[5] MPEP 402.10.

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
DIW Jul-05

BELASCO, JACOBS & TOWNSLEY LLP
HOWARD HUGHES CENTER
6100 CENTER DRIVE
SUITE 630
LOS ANGELES CA 90045

COPY MAILED

JUL 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Frye et al.	:	DECISION ACCORDING STATUS
Application No. 29/211,278	:	UNDER 37 CFR 1.47(a)
Filed: 12 August, 2004	:	
Atty Docket No. 04-211-T	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed on 22 June, 2005.

Petitioners have shown that the non-signing inventor, William H. Frye, has refused to join in the filing of the above-identified application after having been presented with a copy of the application papers. Specifically, the petitioners have established, via the statement of joint inventor Andrew Demetropoulos, that a copy of the above-identified application was presented in person to the non-signing inventor at his residence. The non-signing inventor, however, has failed to return an executed declaration naming him as a joint inventor along with Andrew L. Demetropoulos, Carl L. Demetropoulus, and Michael Tolin.

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 application will be referred to Initial Patent Examination Division for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jay S. Cinamon
ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York NY 10017-5621

COPY MAILED

JUN 19 2007

OFFICE OF PETITIONS

In re Application of :
Green :
Application No. 29/211,282 : ON PETITION
Filed: August 13, 2004 :
Attorney Docket No. 206,651 :
For: DEVICE FOR TRANSPORTING
CANISTERS OF GAS

This is a decision on the petition captioned under 37 CFR 1.10(c), requesting that the Office correct the mail date of the issue fee. The petition will be treated under 37 CFR 1.181, as a petition to withdraw the holding of abandonment in the above-identified application.

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

The petition under 37 CFR 1.10(c) is **DISMISSED**.

The Office contended that the above-identified application became abandoned for failure to timely submit the issue fee in response to the October 2, 2006 Notice of Allowance and Fee(s) Due, which set a three month non-extendable period for reply. The Office received the issue fee payment on January 4, 2007. Therefore, the Office contended that this application became abandoned on January 4, 2007, as January 3, 2007 was the deadline for response. [January 2, 2007 was a National Day of Mourning. It was considered a Federal holiday, so applicant could respond on the first business day following the Federal holiday and still respond in a timely manner.] The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioner asserts that the issue fee and issue fee transmittal were mailed via Express Mail on January 3, 2007. Therefore, petitioner requests that the issue fee be considered as filed in the Office on January 3, 2007, not on January 4, 2007, which was the date it was received in the Office of Initial Patent Examination.

It is noted that the correspondence at issue was mailed via Express Mail Service and was deposited in a package associated with Express Mail label no. ER059677689US. Petitioner has supplied a copy of the receipt for that specific Express Mail label number. The date-in and the postal date stamp is illegible. Therefore, petitioner's Rule 10 evidence is not persuasive. The under 37 CFR 1.10(c) is dismissed.

However, petitioner establishes a January 3, 2007 filing date for the issue fee and PTOL-85b on the strength of petitioner's certificate of mailing found on the PTOL-85b. Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The PTOL-85b bears a proper certificate of mailing, dated January 3, 2007, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. In addition, the person signing the certificate, Attorney Jay S. Cinamon, had reasonable basis to expect that the correspondence would be mailed on January 3, 2007.

The correspondence was received in the Office on January 4, 2007, but it is considered as filed on January 3, 2007 on the basis of Rule 1.8(a)(1).

The petition under 37 CFR 1.181 is **granted** and the holding of abandonment is withdrawn.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 14, 2007

TO SPE OF : ART UNIT 2914 29/211289

SUBJECT : Request for Certificate of Correction on Patent No.: D522398 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.

Thank You For Your Assistance

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

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 changes to the drawings and specification are approved.
RTS Examiner

SPE

2914
Art Unit

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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ACUSHNET COMPANY
333 BRIDGE STREET
P. O. BOX 965
FAIRHAVEN MA 02719

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APR 2 0 2006

OFFICE OF PETITIONS

In re Application of :
Best, et al. :
Application No. 29/211,293 :
Filed: August 13, 2004 :
Attorney Docket No. C04-06 :
For: SET OF GOLF CLUB BACK CAVITIES

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on February 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** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit corrected formal drawings in response to the Notice of Allowability, mailed August 25, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on November 26, 2005. A Notice of Abandonment was mailed on January 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(c).

The instant petition lacks item (4).

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).

The statement of unintentional delay presented in the petition does not comply with the current rule. 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" be submitted. However, the statement presented will be accepted and 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 interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Best, et al. :
Application No. 29/211,293 : ON PETITION
Filed: August 13, 2004 :
Attorney Docket No. C04-06 :
For: SET OF GOLF CLUB BACK CAVITIES

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed on May 16, 2006, to revive the above-identified application.

The application became abandoned for failure to submit corrected formal drawings in response to the Notice of Allowability, mailed August 25, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on November 26, 2005. A Notice of Abandonment was mailed on January 6, 2006.

Applicants have 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 August 25, 2005 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 should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILE COPY

IN RE APPLICANT	: Darling et al.
INVENTION:	: BOAT HOOK ATTACHMENT DEVICE
SERIAL NUMBER	:29/211,298
FILING DATE	: August 12, 2004
GROUP ART UNIT	: 2911
ATTORNEY DOCKET NO.	: 2222.006

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE (37 C.F.R. §1.102(c) AND MPEP §708.02 IV

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on 11/9/04

OPR/FINANCE
NOV 15 AM 7:09

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

Sir:

Applicants hereby respectfully petitions to make this application special because Applicant, Garritt A. Darling, is at least 70 years of age.

As a showing of this fact, accompanying this petition is an Affidavit by the Applicant averring to the statement of age.

No fee is required with this petition in accordance with 37 C.F.R. §1.102(c).

Respectfully Submitted,

Date: 11/08/04

Michael A. Slavin
Reg. No. 34,016
McHale & Slavin, P.A.
2855 Boulevard
Palm Beach Gardens, FL 33410
Telephone: (561) 625-6575
Telefax: (561) 625-6572
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ARMSTRONG KRATZ QUINTOS
HANSON & BROOKS LLP
1725 K STREET NW
SUITE 1000
WASHINGTON, DC 20006

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OFFICE OF PETITIONS

In re Application of	:	
Kazuma Sugama	:	
Application No. 29/211,364	:	DECISION GRANTING PETITION
Filed: August 16, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 050644	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 27, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before July 20, 2005, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed April 20, 2005. A Notice of Abandonment was mailed on October 18, 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 ($400); (2) the petition fee of $750; (3) the required statement of unintentional delay; and (4) a terminal disclaimer and fee ($65) have been received. Accordingly, the payment of the issue fee as required by the Notice of April 20, 2005 is accepted as having been unintentionally delayed.

The terminal disclaimer is accepted and has been made of record in this file.

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

This matter is being referred to Publishing Division for processing into a patent.

Frances Hicks
Petitions Examiner
Office of Petitions

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

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OFFICE OF PETITIONS

In re Application of	:	
Schoenert et al.	:	DECISION ON PETITION
Application No. 29/211,471	:	TO WITHDRAW HOLDING OF
Filed: 16 August, 2004	:	ABANDONMENT
Atty Dcket No. IFC 382	:	

This is a decision on the petition, filed on 1 February, 2006, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The application was held abandoned for failure to respond in a timely manner to the Office communication requiring restriction or election mailed on 21 July, 2005. A Notice of Abandonment was mailed on 25 January, 2006.

Petitioners assert that a proper response was in fact timely filed in the form of a response to the restriction requirement and an extension of time. In support of the petition, petitioners submitted a copy of a date-stamped post card receipt acknowledging receipt of a response to an Office action mailed on 21 July, 2005 in the United States Patent and Trademark Office (Office) on 25 August, 2005. Additionally, petitioners have submitted a copy of the response to the restriction or election requirement with the present petition.

Petitioners' response to the restriction or election requirement is not of record in the file 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 reply to the restriction requirement was received in the Office but was not matched with the application file.

The date-stamped on the post card of 25 August, 2005, is after the due date for the response. However, under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the

correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The "Response to Restriction Requirement" filed with the present petition bears a proper certificate of mailing, dated 22 August, 2005,[1] in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. Accordingly, 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 Technology Center's technical support staff for entry of the response. Thereafter, the application file will be referred to the examiner for action in due course.

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

[1] As 21 August, 2005, fell on a Sunday, the response filed with a Certificate of Mailing dated 22 August, 2005, is considered timely. See 37 CFR 1.7(a).

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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
29/211,502	08/16/2004	2913	340	GER-0628	3	1	1

CONFIRMATION NO. 6356

CORRECTED FILING RECEIPT

OC000000014778380

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

Date Mailed: 12/16/2004

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)

Daniel Racamier, La Balme De Sillingy, FRANCE;
Jean Bardet, Choisy, FRANCE;
Jerome Carrier, Annecy, FRANCE;

Power of Attorney: The patent practitioners associated with Customer Number **23413**.

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 000 148 804 02/16/2004

If Required, Foreign Filing License Granted: 09/25/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/211,502

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

COMPASS

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).

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MILLER THOMPSON, LLP
SCOTIA PLAZA
40 KING STREET WEST, SUITE 5800
TORONTO ON M5H 3S1 CA CANADA

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OFFICE OF PETITIONS

In re Application of	:	
Brun, Larry	:	
Application No. 29/211,538	:	ON PETITION
Filed: August 18, 2004	:	
Attorney Docket No. 069324-0002	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 26, 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 formal drawings in a timely manner in reply to the Notice of Allowability mailed November 2, 2005, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 3, 2006. A Notice of Abandonment was mailed on March 20, 2006.

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 with fee is required for revival.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Application of	:	
Brun, Larry	:	
Application No. 29/211,538	:	ON PETITION
Filed: August 18, 2004	:	
Attorney Docket No. 069324-0002	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed September 15, 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) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
Jamie Lowsky	:	
Application No. 29/211,580	:	ON PETITION
Filed: August 18, 2004	:	
Attorney Docket No. 7557-8	:	

This is a decision on the petition under 37 CFR 1.313(c)(3), filed September 26, 2005, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioners request that the application be withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3).

The above-identified application is expressly abandoned in favor of a continuing application under 37 CFR 1.53(b) filed September 23, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

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OFFICE OF PETITIONS

In re Application of Philip Anthony Taylor Application No. 29/211,591 Filed: August 19, 2004 Attorney Docket No. 51898/324945	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on April 30, 2007, to revive the above-identified application.

The application became abandoned for failure to reply to the final Office action mailed March 2, 2006. A Notice of Abandonment was mailed on September 27, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b); in that, petitioner has supplied (1) the reply in the form of an acceptable amendment and a terminal disclaimer with the $65 fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The terminal disclaimer under 37 CFR 1.137(d), filed on April 30, 2007, has been accepted and made of record.

This application file is being referred to Technology Center Art Unit 2913, for further processing.

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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MARTIN & HENSON, P.C.
9250 W 5TH AVENUE
SUITE 200
LAKEWOOD, CO 80226

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JUL 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Johnston et al.	:	
Application No. 29/211612	:	ON PETITION
Filing or 371(c) Date: 08/17/2004	:	
Attorney Docket Number 2081	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed April 30, 2007. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office action, mailed November 16, 2005. See, 35 U.S.C. § 133. A Notice of Abandonment was mailed July 12, 2006.

Applicant files the present petition and includes a in response to the Office action. The response has been approved by the Examiner. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that Applicant has filed (1) the reply in the form of corrected drawing(s); (2) the petition; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2915 for processing of the reply, and for further examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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OFFICE OF PETITIONS

Richard A. Koske
P.O. Box 9090
Everett, WA 98206-9090

In re Application of:
JANKY, Sena E.R.
Application No.: 29/211,655
Filed: August 18, 2004
Atty's Docket No.: 0779 US (F-350)

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed December 27, 2005.

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 16, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on September 16, 2005.

On December 27, 2005, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue fee. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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WILLIAM NITKIN
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SUITE 300
NEWTON, MA 02459

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DEC 28 2006

OFFICE OF PETITIONS

In re Application of Brefka et al. :
Application No. 29/211,711 :
Filing Date: August 20, 2004 :
Attorney Docket No. 112,845 :

Decision on Petition

This is a decision on the petition filed September 29, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Petitioner filed an amendment, including drawings, on April 3, 2006.

Petitioner held a telephone conversation with the examiner on May 3, 2006. The examiner informed petitioner of problems with the drawings.

On May 4, 2006, petitioner mailed corrected drawings. The Office physically received the drawings on May 8, 2006.

A Notice of Allowability was mailed May 19, 2006. The Notice of Allowability set a shortened statutory period for reply of three (3) months. The examiner was unaware corrected drawings had been filed. As a result, the Notice required the submission of corrected drawings.

Petitioner did not reply to the Notice of Allowability and the application became abandoned August 20, 2006.

A Notice of Abandonment was mailed September 22, 2006.

Petitioner contends the application is not abandoned.

35 U.S.C. 133 requires that if an action is mailed, and if an applicant fails to respond to such action within 6 months or within any shorter time period set by the Office, the application goes abandoned as a matter of law. The statute does not distinguish "correct" Office actions from "incorrect" Office actions. An Office action in the form of a Notice of Allowability was mailed May 19, 2006. The Notice provided applicants with three months to file a response. Applicant did not file a response to the Notice of Allowability within 3 months. Therefore, as a matter of law, the application is abandoned.

Abandonment is not based on the correctness, in whole or in part, of an Office action. For example, if an applicant fails to respond to a restriction requirement later determined to be untenable as drafted, the application is abandoned. If an Office action is mailed rejecting claims based on anticipation over a reference that was facially not available as prior art against the application, an applicant must still respond to the Office action in order to avoid abandonment.

Petitioner failed to respond to the Notice of Allowability. Such response could have taken the form of a written traversal stating the facts in the instant petition regarding the original drawings. Petitioner could have directly contacted the examiner and taken steps to have the examiner withdraw the requirement in writing prior to the expiration of the time period for response.

For the reasons above, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(a). A grantable petition pursuant to 37 CFR 1.137(a) must be accompanied by the required reply (already submitted), the required petition fee ($250 for a small entity), a terminal disclaimer, and 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 (this requirement has been met). A copy of a blank petition form and terminal disclaimer are enclosed 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

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

Enclosures: Form PTO/SB/61
Form PTO/SB/63

PTO/SB/61 (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 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 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 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.

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)

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

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.

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.

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 NITKIN
1320 CENTRE STREET
SUITE 300
NEWTON, MA 02459

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JUN 0 6 2007

OFFICE OF PETITIONS

Decision on Petition

In re Application of Brefka et al. :
Application No. 29/211,711 :
Filing Date: August 20, 2004 :
Attorney Docket No. 112,845 :

This is a decision on the petition under 37 CFR 1.137(a), filed January 16, 2007, to revive the above-identified application.

The petition is **granted.**

Petitioner held a telephone conversation with the examiner on May 3, 2006. The examiner informed petitioner of problems with the drawings. On May 4, 2006, petitioner mailed corrected drawings. The Office physically received the drawings on May 8, 2006.

A Notice of Allowability was mailed May 19, 2006. The Notice of Allowability set a shortened statutory period for reply of three (3) months. The examiner was unaware corrected drawings had been filed. As a result, the Notice required the submission of corrected drawings. Petitioner did not reply to the Notice of Allowability and the application became abandoned August 20, 2006. A Notice of Abandonment was mailed September 22, 2006.

The instant petition seeks revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

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

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

SCOTT A. THORPE
366 SCHOOL LANE
PLYMOUTH MEETING, PA 19462

COPY MAILED

APR 16 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Scott A. Thorpe :
Application No. 29/211,754 :
Filed: August 20, 2004 :
Attorney Docket No. THORPE :

This is a decision on the petition, filed November 16, 2006 under 37 CFR 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 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 above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed April 25, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 26, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (4).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (4) the terminal disclaimer was not received. Accordingly, this petition can not be revive until the terminal disclaimer is received.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

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

SCOTT A. THORPE
366 SCHOOL LANE
PLYMOUTH MEETING, PA 19462

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SEP 06 2007

OFFICE OF PETITIONS

In re Application of	:	
Scott A. Thorpe	:	
Application No. 29/211,754	:	ON PETITION
Filed: August 20, 2004	:	
Attorney Docket No. THORPE	:	

This is a decision on the renewed petition filed August 6, 2007 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

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

This matter is being referred to Technology Center AU 2914 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

James E. Brunton
Brunton & Jagger
700 North Brand, Suite 430
Glendale, CA 91203

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JUL 12 2007

OFFICE OF PETITIONS

In re Application of
William C. Haas
Application No.: 29/211,784
Filed: August 19, 2004
Attorney Docket No.: 004-32

DECISION ON PETITIONS UNDER 37 CFR 1.181 AND 37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed September 13, 2006. For the reasons discussed herein the petition is also being treated as a petition under 37 CFR 1.181 to accept the papers filed September 13, 2006 as having been filed March 13, 2006.

I. Petition Under 37 CFR 1.181

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by applicant, title and serial number. The postcard is stamped "OIPE IAP1 Patent & Trademark Office MAR 13 2006." Among the items listed on the postcard are "Petition to Revive 'Tool For Wire Installation" The postcard has not been annotated in any way to indicate that the petition was not received at the time of filing. As such, it is proper to **GRANT** applicant's petition under 37 CFR 1.181 to accept the copy of the petition filed September 13, 2006 as having been filed March 13, 2006.

II. Petition Under 37 CFR 1.137(b)

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)."

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice Of Allowability mailed March 18, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on June 18, 2005.

On March 13, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein.

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

The instant petition does not satisfy requirements (1). Specifically, while applicant has filed an amendment with corrected drawings, the drawings have been objected to by the Draftsperson under 37 CFR 1.84 or 1.152. A copy of the "Notice of Draftperson's Patent Drawing Review" (Form PTO-948) is enclosed.

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

This application remains **ABANDONED**.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

Form PTO-948 (Rev. 06/03)
Application No. 29/211784

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 9/13/2006 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) 1-4

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) 1-4
___ 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:
Fax Dwg Sheets dtj (Fig 1,2,3 & 4)

Reviewer WH
Date 7/10/07
If you have questions, call (703) 305-8404.
Attachment to Paper No. ___

☆ U.S. GOVERNMENT PRINTING OFFICE: 2003-300-163

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OFFICE OF PETITIONS

James E. Brunton
Brunton & Jagger
700 North Brand, Suite 430
Glendale, CA 91203

In re Application of:
William C. Haas
Application No.: 29/211,784
Filed: August 19, 2004
Atty's Docket No.: 004-32

DECISION ON RENEWED PETITION UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition for revival of the above-entitled application under 37 CFR 1.137(b), filed August 29, 2007

The renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed March 18, 2005, which set a period for reply of three (3) months. (See Decision mailed July 12, 2007 dismissing applicant's original petition to revive).

On August 29, 2007, applicant filed the present renewed petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of corrected drawings. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAR 21 2006

OFFICE OF PETITIONS

CALEB POLLACK
PEARL COHEN ZEDEK, LLP
1500 BROADWAY 12TH FLOOR
NEW YORK NY 10036

In re Application of
NAMDAR
Application No. 29/211,790
Filed: August 23, 2004
Attorney Docket No. D-0417-US

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 2005, 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 May 26, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 27, 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; (2) the petition fee of $750; (3) the required statement of unintentional delay; and (4) the terminal disclaimer required by 37 CFR 1.137(d) have been received. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

The Change of Correspondence Address provided includes more than one correspondence address, i.e., Customer Number 49443, affiliated with a 1500 Broadway address, and a 10 Rockefeller Plaza address. Consistent with 37 CFR 1.33(a) when more than one correspondence address is specified in a single document, the office will use the address associated a Customer Number over a typed correspondence address. Further, PTO/SB/122 states that a "Request for Customer Number Data Change" (PTO/SB/124) should be used to change the data associated with an existing Customer Number. While a courtesy copy of this decision is being mailed to the 10 Rockefeller Plaza address, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

Cc: PEARL COHEN ZEDEK LATZER, LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

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JAN 15 2010

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

In re Patent No. D515,503	:	
Issued: February 21, 2006	:	
Application No. 29/211,911	:	NOTICE
Filed: August 24, 2004	:	
Attorney Docket No. 102704/0526115	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DITTHAVONG MORI & STEINER, P.C.
918 PRINCE ST.
ALEXANDRIA VA 22314

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of :
RIM, Gun-Sub :
Application No. 29/211,972 :
Filed: August 24, 2004 :
Attorney Docket No. **01054-1001** :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 30, 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 correct drawings/oath/nonpub request in a timely manner in reply to the Notice of Allowability, mailed October 10, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 11, 2007.

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) (1) and (4) above.

While petitioner filed a letter indicating that the examiner would delete Fig. 8 by examiner's amendment no such amendment has been made. Accordingly, the drawings corrections are still 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 Tredelle Jackson at (571) 272-2783.

David Buczo
Petitions Examiner
Office of Petitions

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MAR 2 5 2008

OFFICE OF PETITIONS

DITTHAVONG MORI & STEINER, P.C.
918 PRINCE ST.
ALEXANDRIA VA 22314

In re Application of :
Gun-Sub RIM :
Application No. 29/211,972 : DECISION ON PETITION
Filed: August 24, 2004 :
Attorney Docket No. **01054-1001** :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings and a substitute oath or declaration in a timely manner in reply to the Notice of Allowability, mailed October 10, 2006, which set a period for reply of three (3) months. Accordingly, this application became abandoned on January 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form corrected drawings and a declaration, (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 failure to timely submit corrected drawings and a substitute oath or declaration as required by the Notice of Allowance and Fee(s) 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.

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.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

David Bucci
Petitions Examiner
Office of Petitions

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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

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APR 0 4 2007

OFFICE OF PETITIONS

In re Application of	:	
Soriano et al.	:	
Application No. 29/212012	:	ON PETITION
Filing or 371(c) 08/25/2004	:	
Attorney Docket Number: 6129-40-D	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed January 8, 2007. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Drawing Inconsistency with Specification, mailed October 5, 2006. The Notice set a non-extendable one (1) month or 30 day period for reply, whichever was longer, or within the time remaining in the time period set forth in the Notice of Allowability, mailed May 25, 2006. No reply having been received, the application became abandoned on November 6, 2006. A Notice of Abandonment was mailed December 20, 2006.

Applicant has submitted corrected drawings with the instant petition.

This application is being referred to Publishing Division for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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MARSHALL GERSTEIN & BORUN LLP
233 S. WACKER DRIVE
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CHICAGO, IL 60606

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JUL 13 2006

OFFICE OF PETITIONS

In re Application of Craig S. Van Ness Application No. 29/212,021 Filed: August 25, 2004 Attorney Docket No. 27087/40205	DECISION GRANTING PETITION UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed July 11, 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 April 18, 2006 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 the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2912 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "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 in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606-6357

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OFFICE OF PETITIONS

In re Application of :
Timothy D. Killinger, et al. :
Application No. 29/212,025 :
Filed: August 25, 2004 :
Attorney Docket No. 29618/EL005A :

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(d) filed December 2, 2004 requesting that the above-identified application be accorded a filing date of August 25, 2004, instead of the presently accorded date of August 24, 2004.

Petitioners request the later filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service, on August 25, 2004. In support, petitioners provided, inter alia, a copy of the Express Mail label, receipt No. EV 456048566 US. It is noted that the transmittal letter found in the file includes the same Express Mail receipt number, as well as a statement of express mailing under 37 CFR 1.10 dated August 25, 2004.

Paragraph (d) of 37 CFR 1.10 states that:

> 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."

A review of the USPS Track/Confirm email Restoration for Express Mail label No. EV 456048566 US shows that the Express Mail package in question was accepted and enroute on August 25, 2004. Therefore, the Track/Confirm record corroborates a "date-in" of August 25, 2004.

The petition is GRANTED. No petition fee is required.

The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **August 25, 2004** and issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JJGJR.: 06-06

Paper No: __

BOWERS HARRISON LLP
GARY K. PRICE, ESQ.
25 RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE IN 47706-1287

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JUN 12 2006

OFFICE OF PETITIONS

In re Application of	:	
SroufeKristensen, et al.	:	DECISION
Application No.: 29/212,045	:	
Filing Date: 24 August, 2004	:	
Attorney Docket No. 45,024	:	

This is a decision on the petition filed on 21 December, 2005, to withdraw the holding of abandonment and is considered under 37 C.F.R. §1.181.

For the reasons set forth below the petition as considered under 37 C.F.R. §1.181is **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 or alternatively 1.137(b)."

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record reflects that:

- Petitioner failed to reply to the Notice of Allowance/Allowability and Fees Duea non-final Office action mailed on 29 June, 2005, with reply, due under a non-extendable deadline on or before 29 September, 2005;
- the application went abandoned by operation of law after midnight 13 July , 2004;
- the Office mailed the Notice of Abandonment on 18 November, 2005;
- on 21 December, 2005, Petitioner filed the instant petition with averments of non-receipt and that a review of the file failed to evidence the Notice of Allowance having been received, and some office documents, but none evidencing replies due for the due date of 29 September, 2005–and it is for this/these document(s) the Office hereby makes a request in support of Petitioner's averments.

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]

---

[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.

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, 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.[6]))

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.[7]

Further, the commentary at MPEP §711.03(c) provides:

* * *

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for

---

[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] 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.

[7] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

> failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt 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 nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.
>
> * **
>
> 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 nonreceipt 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. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988). (Emphasis supplied.)
>
> * * *

Thus, as of this writing Petitioner appears not to have satisfied the showing requirements described–and the Office requests submission of the documents discussed in the BACKGROND in support of the petition.

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**.

A copy of the non-final Office action mailed on 13 April, 2004, s enclosed, and, in an effort to promptly advance prosecution, Petitioner should include a reply thereto with any further petition filed herein.

ALTERNATIVE VENUE

Petitioner's only alternative to irretrievable abandonment may be a petition alleging unintentional delay under 37 C.F.R. §1.137(b).[8]

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:[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

---

[8] 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."

[9] 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 .)

[10] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 07-06

Paper No: __

BOWERS HARRISON LLP
GARY K. PRICE, ESQ.
25 RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE IN 47706-1287

COPY MAILED
SEP 1 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Sroufe, et al.	:	DECISION
Application No.: 29/212,045	:	
Filing Date: 24 August, 2004	:	
Attorney Docket No. 45,024	:	

This is a decision on the petition filed on 3 July, 2006, to withdraw the holding of abandonment and is considered 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 to the Notice of Allowance/Allowability and Fees Due mailed on 29 June, 2005, with reply, due under a non-extendable deadline on or before 29 September, 2005;
- the application went abandoned by operation of law after midnight 13 July , 2004;
- the Office mailed the Notice of Abandonment on 18 November, 2005;
- on 21 December, 2005, Petitioner filed the original petition with averments of non-receipt

and that a review of the file failed to evidence the Notice of Allowance having been received, and some office documents, but none evidencing replies due for the due date of 29 September, 2005–and it is for this/these document(s) the Office hereby makes a request in support of Petitioner's averments–and for that reason the petition was dismissed on 12 June, 2006;

- the instant petition seeks to address these deficiencies.

Out of an abundance of caution, Petitioners always are reminded that:

- the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)); and

- those registered to practice *and* all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and
(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —
(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;
(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.
(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —

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 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.

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(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.

(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[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.

[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.

(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] (See: the commentary at MPEP §711.03(c).[9])

Moreover, the regulations at 37 C.F.R. §1.181 require that Petitioner seek relief under the Rule within two (2) months of the act complained of.

Petitioner appears to have satisfied the "showing" and "timing" requirements described above.

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[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).

[9] The commentary at MPEP §711.03(c) provides:

* * *

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt 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 nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. * **

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 nonreceipt 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. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988). (Emphasis supplied.)

* * *

CONCLUSION

It appears that Petitioner has satisfied the burdens set forth in Delgar v. Schulyer, and the petition as considered under 37 C.F.R. §1.181 is **granted**, and the Notice of 18 November, 2005, is **vacated**.

The instant application is released to Technology Center 2900 to remail the Notice of Allowance/Allowability and Fees Due.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[10]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[10] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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NOTICE OF ALLOWANCE AND FEE(S) DUE

28309 7590 06/29/2005

BOWERS HARRISON LLP
GARY K. PRICE, ESP.
25 RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE, IN 47706-1287

EXAMINER
BROOKS, LINDA G

ART UNIT	PAPER NUMBER
2911	

DATE MAILED: 06/29/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/212,045	08/24/2004	Darren Sroufe	45,024	1650

TITLE OF INVENTION: MOTORCYCLE FRAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	09/29/2005

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)

28309 7590 06/29/2005

BOWERS HARRISON LLP
GARY K. PRICE, ESP.
25 RIVERSIDE DRIVE
PO BOX 1287
EVANSVILLE, IN 47706-1287

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.
29/212,045	08/24/2004	Darren Stroufe	45,024	1650

TITLE OF INVENTION: MOTORCYCLE FRAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	09/29/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BROOKS, LINDA G	2911	D12-110000

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

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/212,045	08/24/2004	Darren Sroufe	45,024	1650

28309 7590 06/29/2005

BOWERS HARRISON LLP
GARY K. PRICE, ESP.
25 RIVERSIDE DRIVE
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EVANSVILLE, IN 47706-1287

EXAMINER
BROOKS, LINDA G

ART UNIT	PAPER NUMBER
2911	

DATE MAILED: 06/29/2005

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF ROBERT A. SELDON
10940 WILSHIRE BLVD., 18th FLOOR
LOS ANGELES, CA 90024-3952

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Application of
Scott Eastman
Application No. 29/212,050
Filed: August 24, 2004
Attorney Docket No. EASTMAN/02

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 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 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.

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.

Petitioner submitted $1450 with petition on September 15, 2005. The petition fee is $750 while the issue fee is $ 400. There is no publication fee required. Therefore, petitioner may request a refund of $300 by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

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.

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 to the Publishing Division, Box Issue Fee, within ONE MONTH from the mail date of this decision.

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

cc:

Scott Eastman
310 Bonita Dr.
El Dorado hills, CA 95762

Attachment: blank Issue Fee Transmittal Form (PTOL-85b)

UNITED STATES PATENT AND TRADEMARK OFFICE

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LAW OFFICES OF ROBERT A. SELDON
10940 WILSHIRE BLVD., 18th FLOOR
LOS ANGELES, CA 90024-3952

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OCT 0 7 2005

OFFICE OF PETITIONS

In re Application of
Scott Eastman
Application No. 29/212,052
Filed: August 24, 2004
Attorney Docket No. EASTMAN/03

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 15, 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 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.

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Irvin Dingle
Petitions Examiner
Office of Petitions

cc:

Scott Eastman
310 Bonita Dr.
El Dorado hills, CA 95762

Attachment: blank Issue Fee Transmittal Form (PTOL-85b)

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

KEITH H. ORUM
SUITE 1616
53 WEST JACKSON BLVD.
CHICAGO, IL 60604

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Fujita, Nobuaki :
Application No. 29/212,053 :
Filed: August 25, 2004 :
Attorney Docket No. 13941 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

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 petition fee of $1500.00; (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.

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 the CPA.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This application is being referred to Technology Center AU 2911 for processing of the CPA.

Liana Walsh
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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DIW Jun-07

SCOTT R. COX
LYNCH, COX, GILMAN & MAHAN, P.S.C.
500 WEST JEFFERSON STREET
SUITE 2100
LOUISVILLE KY 40202

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JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Marcus Carey	:	DECISION ON PETITION
Application No. 29/212,077	:	
Filed: 26 August, 2004	:	
Attorney Docket No. P-1225	:	

This is a decision in reference to the petition filed under 37 CFR 1.137(a), which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181, filed on 10 April, 2007.

The petition is **GRANTED**.

The application was held abandoned on 1 September, 2006, for failure to timely file a response to the Notice of Allowance and Fee(s) Due mailed on 31 May, 2006, which set a three (3) month statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Petitioners assert that a Change of Correspondence Address was filed on 27 April, 2005, but that the Notice mailed on 31 May, 2006, was subsequently mailed to the previous address of record due to Office error.

A review of the record reveals that on 27 April, 2005, a paper entitled "CHANGE OF ATTORNEY'S ADDRESS IN APPLICATION" was filed, requesting that the correspondence address be changed. The paper was signed by the attorney of record, Scott R. Cox. On 31 May, 2006, however, the Notice of Allowance and Fee(s) Due was mailed to the prior address of record. On 5 June, 2006, the Notice was returned to the USPTO as undeliverable.

As such, the showing of record is that the Office erred in mailing the Notice of Allowance mailed on 31 May, 2006, to the previous address rather than the current correspondence address. As petitioner submitted the issue fee with the present petition,

the petition will be considered as a request to accept the issue fee as timely filed.

As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The petition fee will be credited to counsel's deposit account, as authorized in the present petition.

Receipt of the amendment under 37 CFR 1.312 filed with the present petition and issue fee is acknowledged.

The application is referred to Technology Center Art Unit 2916 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DESIGN IP-DEPT. MOT
5000 W. TILGHMAN STREET
SUITE 153
ALLENTOWN, PA 18104

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FEB 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Lodato, et al.	:	DECISION GRANTING
Application No. 29/212,095	:	PETITION
Filed: August 26, 2004	:	
Attorney Docket No. MOT-CE13520JME	:	

This is a decision on the petition under 37 CFR 1.10(c), filed November 12, 2004, requesting that the above-identified design application be accorded a filing date of August 26, 2004, rather than the presently accorded filing date of August 27, 2004.

Petitioners allege that the design application was deposited in the U.S. Postal Service (USPS) Express Mail service on August 26, 2004. In support, the petition is accompanied by a copy of Express Mail Receipt No. EO904858712US (the same Express Mail number found on the original application papers located in the official file), however, the "date in" is blank. However, petitioners have also submitted a copy of the "USPS Track & Confirm Shipment Details" for Express Mail Receipt No. EO904858712US, which indicates the item was, in fact, placed into USPS Express Mail service on August 26. 2004.

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

Accordingly, the application is entitled to a filing date of August 26, 2004.

The petition fee has not been charged.

The application is being returned to the Office of Initial Patent Examination for processing with a filing date of August 26, 2004 and issuance of a corrected filing receipt.

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

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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United States Patent and Trademark Office
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KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

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AUG 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Layne, Johnson, Draebel and McDaniel :
Application No. 29/212,099 : ON PETITION
Filed: May 9, 2005 :
Attorney Docket No. 924-048D :

This is in response to the petition under 37 CFR 1.47(a), filed May 9, 2005.

The petition is granted.

Petitioner showed that Otto Jorgen Draebel, the non-signing inventor, 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 Michael D. McDaniel established that the application papers, including the specification, claims and drawings, were mailed to the non-signing inventor; however, he refused the request to 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 $200.00 petition fee will be charged to Deposit Account No. 11-0978, as authorized.

This matter is being referred to Technology Center Art Unit 2911.

Telephone inquiries regarding 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
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JAN 0 9 2008

OFFICE OF PETITIONS

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK NY 10038

In re Application of Xin Wang Application No. 29/212,140 Filed: August 26, 2004 Attorney Docket No. 14824 B (SW-971087)	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed June 15, 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 the issue fee and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of January 6, 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.

Karen Creasy

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

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION - WEST BLDG.
WINTON HILL BUSINESS CENTER - BOX 412
6250 CENTER HILL AVENUE
CINCINNATI OH 45224

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JUN 2 7 2008

OFFICE OF PETITIONS

In re Application of :
Edward Adamson, et al. :
Application No. 29/212,195 : ON PETITION
Filed: August 27, 2004 :
Attorney Docket No. CD-462M4M2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) filed October 18, 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 submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 31, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 1, 2007. The Notice of Abandonment was mailed September 27, 2007.

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).

All design application petitions must be accompanied with a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) as required by 37 CFR 1.137(d). A copy of the terminal disclaimer form PTO/SB/63 is enclosed for your convenience.

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 Terri Williams at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

Enclosed: Terminal Disclaimer to Accompany Petition (PTO/SB/63)

PTO/SB/63 (01-08)
Approved for use through 06/30/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to 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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Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

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OCT 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Edward Adamson, et al.	:	
Application No. 29/212,195	:	DECISION ON PETITION
Filed: August 27, 2004	:	
Attorney Docket No. CD-462M4M2	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed May 31, 2007, which set a period for reply of three (3) months. Accordingly, this application became abandoned on September 1, 2007. The Notice of Abandonment was mailed September 27, 2007.

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 $1,540; (3) a terminal disclaimer and fee as required by 37 CFR 1.137(d) and (4) a proper statement of unintentional delay.

The terminal disclaimer is accepted and has been made of record.

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

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HENKEL CORPORATION
THE TRIAD, SUITE 200
2200 RENAISSANCE BLVD.
GULPH MILLS PA 19406

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MAR 2 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Paulus, et al.	:	
Application No. 29/212,198	:	DECISION ON
Filed: August 27, 2004	:	PETITION
Attorney Docket No. G 0834 US	:	
For: CORRECTION TAPE	:	

This is a decision on the petition filed February 23, 2005 requesting that Figures 8-14 be accorded a filing date of August 27, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on August 27, 2004. On February 9, 2005, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" informing petitioners that Figures 8-14, as described in the specification, appeared to have been omitted.

Petitioners request that Figures 8-14 be accorded a filing date of August 27, 2004 on the basis that 6 sheets of drawing figures, including Figures 8-14, were received in the Patent and Trademark Office (PTO) on August 27, 2004. In support, the instant petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 27, 2004 as the date of receipt. The postcard lists, *inter alia*, that the filing included 6 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 6 sheets of formal drawing figures were filed on August 27, 2004. MPEP 503. A review of the application file reveals that there are 3 sheets of drawing figures present.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. The $400.00 fee submitted with the instant petition will be credited to deposit account no. 01-1250.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **August 27, 2004** using the copy of Figures 8-14 submitted with the instant

petition. Office records will be corrected to show that 6 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

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
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FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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MAR 0 6 2007

OFFICE OF PETITIONS

In re Patent No. D525,421 :
Issue Date: July 25, 2006 :
Application No. 29/212,225 : NOTICE
Filed: August 26, 2004 :
Attorney Docket No. JCHO 0420549 :

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 patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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4331 STEVENS BATTLE LANE
FAIRFAX, VA 22033

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OFFICE OF PETITIONS

In re Application of	:	
Fang-Hsuan Chen, et al.	:	
Application No. 29/212,228	:	ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. OP-093000599	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2006, to revive the above-identified application.

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 present petition lacks items (3) and (4).

Accordingly, 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.

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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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4331 STEVENS BATTLE LANE
FAIRFAX, VA 22033

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OFFICE OF PETITIONS

In re Application of
Fang-Hsuan Chen, et al.
Application No. 29/212,228
Filed: August 30, 2004
Attorney Docket No. OP-09300599

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 16, 2006.

The application became abandoned for failure to pay the issue fee on or before November 25, 2005. A Notice of Abandonment was mailed on February 21, 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).

The requisite issue fee of $400 and petition fee of $750 were filed with the original petition on March 21, 2006. The renewed petition, as supplemented, is found to complete the requirements of 37 CFR 1.137(b) in that petitioner has now supplied the terminal disclaimer, including fee, and an adequate statement of unintentional delay.

Accordingly, the petition is GRANTED.

The terminal disclaimer filed October 16, 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: KAO H. LU, ESQUIRE
1425 E. DARBY ROAD
HAVERTOWN, PA 19083

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CROSSLEY PATENT LAW
400 SOUTH THIRD STREET
MONTROSE CO 81401

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OFFICE OF PETITIONS

In re Application of	:	
Gibson, Terese	:	
Application No. 29/212,236	:	ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. 04-08-27DA	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 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 formal drawings in a timely manner in reply to the Notice of Allowability mailed December 15, 2005, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 16, 2006. A Notice of Abandonment was mailed on May 4, 2006.

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 with fee is required.

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

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

By hand: Customer 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

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

CROSSLEY PATENT LAW
400 SOUTH THIRD STREET
MONTROSE CO 81401

COPY MAILED
DEC 0 5 2006
OFFICE OF PETITIONS

In re Application of	:	
Gibson, Terese	:	
Application No. 29/212,236	:	ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. 04/08/27DA	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed July 17, 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) 272-3206.

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

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FEB 10 2005

OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
CITIGROUP CENTER 52ND FLOOR
153 EAST 53RD STREET
NEW YORK NY 10022-4611

In re Application of	
Michael Nunn, John Snider, William H Wurz, Charles Richard Lewis, Raymond M. Walker, and Jeffrey T Thawley	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)
Application No. 29/212,246	
Filed: August 27, 2004	
Attorney Docket No. 07703-389002	
Title of Invention: CHASSIS FOR A CURRENCY ACCEPTOR SYSTEM	

This is in response to the petition under 37 CFR 1.47(a) filed December 13, 2004.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor can not be reached or located and diligent effort has been used to locate the inventor. The efforts outlined by petitioner demonstrate diligent effort was used to attempt to locate non-signing inventor Walker. The search for the non-signing inventor proved unsuccessful.

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 petition. Notice of the filing of this application will also be published in the Official Gazette.

The last known address of the non-signing inventor is assumed to be the one stated in the petition.

The Office is in receipt of $130.00 submitted towards the petition fee. However, effective November 22, 2004 the petition fee is $200.00. Accordingly, deposit account 06-1050 will be charged the $70.00 difference.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should 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

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

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FEB 1 0 2005

OFFICE OF PETITIONS

Raymond M. Walker
18 Olde Lantern Road
Bedford, New Hampshire 03110

In re Application of
Michael Nunn, John Snider, William H Wurz, :
Charles Richard Lewis, Raymond M. Walker, :
and Jeffrey T Thawley : LETTER
Application No. 29/212,246 :
Filed: August 27, 2004 :
Attorney Docket No. 07703-389002 :
Title of Invention: CHASSIS FOR A :
CURRENCY ACCEPTOR SYSTEM :

Dear Mr. Walker:

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 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, applicant (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 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

SAMUEL BORODACH

FISH & RICHARDSON P.C.
CITIGROUP CENTER 52ND FLOOR
153 EAST 53RD STREET
NEW YORK NY 10022-4611

PETDEC 2/10/2005

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
CITIGROUP CENTER 52ND FLOOR
153 EAST 53RD STREET
NEW YORK NY 10022-4611

In re Application of	
Michael Nunn, John Snider, William H Wurz, Charles Richard Lewis, Raymond M. Walker, and Jeffrey T Thawley	DECISION GRANTING STATUS UNDER 37 CFR 1.47(A)
Application No. 29/212,246	
Filed: August 27, 2004	
Attorney Docket No. 07703-389002	
Title of Invention: CHASSIS FOR A CURRENCY ACCEPTOR SYSTEM	

This is in response to the petition under 37 CFR 1.47(a) filed December 13, 2004.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor can not be reached or located and diligent effort has been used to locate the inventor. The efforts outlined by petitioner demonstrate diligent effort was used to attempt to locate non-signing inventor Walker. The search for the non-signing inventor proved unsuccessful.

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 petition. Notice of the filing of this application will also be published in the Official Gazette.

The last known address of the non-signing inventor is assumed to be the one stated in the petition.

OIPE
AUG 18 2006
IAP23
PATENT & TRADEMARK OFFICE

Attorney's Docket No.: 16719-006001 / WCR0134C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Michael D. Nunn et al.	Art Unit	: 2912
Serial No.	: 29/212,246	Examiner	: Paula Allen Greene
Filed	: August 27, 2004	Confirmation No.: 4220	
Title	: CHASSIS FOR A CURRENCY ACCEPTOR SYSTEM		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

Please correct the Filing Receipt for the above-referenced application to include the name and residence address for inventor **Jeffrey T. Thawley** of **Wilmington, DE**. Applicant encloses a copy of the Response to Missing Parts of Application and the Combined Declaration and Power of attorney, submitted on December 8, 2004.

Please supply a corrected Filing Receipt to the undersigned with respect to this application. A copy of the original Filing Receipt showing the desired changes in red ink is attached for your convenience.

No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 15, 2006
Date of Deposit

Paula T. Romeo
Signature

PAULA T. ROMEO
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

Michael E. Zall
Two Yorkshire Drive
Suffern NY 10901

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JUL 27 2006

OFFICE OF PETITIONS

In re Application of :
Viveros, et al. :
Application No. 29/212,247 :
Filed: August 30, 2004 :
Attorney Docket No. 3.1-041 :
For: SOCK

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 7, 2005 (certificate of mailing date November 4, 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 file corrected formal drawings in response to the Notice of Allowability, mailed June 2, 2005, which set a three month period for reply. This application became abandoned on September 3, 2005. A Notice of Abandonment was mailed on October 19, 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 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, petitioners are required to submit a terminal disclaimer.

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
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

Michael E. Zall
Two Yorkshire Drive
Suffern NY 10901

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MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Viveros, et al. :
Application No. 29/212,247 : ON PETITION
Filed: August 30, 2004 :
Attorney Docket No. 3.1-041 :
For: SOCK

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed August 28, 2006, to revive the above-identified application.

This application became abandoned for failure to timely file corrected formal drawings in response to the Notice of Allowability, mailed June 2, 2005, which set a three month period for reply. This application became abandoned on September 3, 2005. A Notice of Abandonment was mailed on October 19, 2005.

Applicants have 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 June 2, 2005 Notice of Allowability, 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 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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INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON &
LIONE
ONE INDIANA SQUARE,
SUITE 1600
INDIANAPOLIS, IN 46204-2033

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SEP 15 2006
OFFICE OF PETITIONS

In re Application of

John J. Livingston

Application No. 29/212,255

Filed: April 30, 2004

Attorney Docket No. 580/4131

DECISION ON PETITION

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 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 March 20, 2006, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on June 21, 2006. A Notice of Abandonment was mailed on June 23, 2006.

The terminal disclaimer, filed June28, 2006, is noted.

The issue fee payment is noted as being received on June 28, 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

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

INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

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DEC 29 2005

OFFICE OF PETITIONS

In re Patent No. D508,854	:	
Issue Date: August 30, 2005	:	
Application No. 29/212,257	:	ON PETITION
Filed: August 30, 2004	:	
Attorney Docket No. 580/4130	:	

This is a decision on the petition filed October 18, 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 a Certificate of Correction.

The request is **granted**.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3218. 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.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\documents and settings\fhicks\my documents\470\212257 12-28-05

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

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APR 06 2005

OFFICE OF PETITIONS

In re Application of :
Kawami et al. :
Application No. 29/212,287 :
Filed: August 31, 2004 : ON PETITION
Attorney Docket No. 1650.1008 :

This is a decision on Applicant's Response to Notice of Incomplete Nonprovisional Application, filed February 25, 2005, requesting the above-identified application be accorded a filing date of August 31, 2004, including 7 sheets of drawings containing Figures 1-7.

The application was filed on August 31, 2004. On February 15, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that 7 sheets of drawings containing Figures 1-7 were originally filed with the application on August 31, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 7 sheets of drawings containing Figures 1-7 in the above-identified application by this Office on August 31, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 7 sheets of drawings containing Figures 1-7 in the above-identified application by this Office on August 31, 2004.

"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.

Accordingly, the petition is granted.

The copy of 7 sheets of drawings containing Figures 1-7, filed with the instant petition on February 25, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 31, 2004, and an indication that 4 pages of drawings were present on filing, using the 4 pages of drawings filed with the instant petition on February 25, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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JUN 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Kawami et al.	:	
Application No. 29/212,287	:	CORRECTED DECISION
Filed: August 31, 2004	:	ON PETITION
Attorney Docket No. 1650.1008	:	

This is a corrected decision on Applicant's Response to Notice of Incomplete Nonprovisional Application, filed February 25, 2005, requesting the above-identified application be accorded a filing date of August 31, 2004, including 7 sheets of drawings containing Figures 1-7.

The application was filed on August 31, 2004. On February 15, 2005, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (hereinafter "Notice") stating that the application had NOT been accorded a filing date because the application had been deposited without drawings.

Applicant responds with the instant petition wherein Applicant avers that 7 sheets of drawings containing Figures 1-7 were originally filed with the application on August 31, 2004, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return-receipt postcard acknowledging receipt of, *inter alia*, 7 sheets of drawings containing Figures 1-7 in the above-identified application by this Office on August 31, 2004.

A review of the return-receipt postcard reveals that Applicant is correct. The postcard acknowledges receipt of, *inter alia*, 7 sheets of drawings containing Figures 1-7 in the above-identified application by this Office on August 31, 2004.

"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.

Accordingly, the petition is granted.

The copy of 7 sheets of drawings containing Figures 1-7, filed with the instant petition on February 25, will be used for examination purposes.

No fee has been charged and none is due.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 31, 2004, and an indication that **7 pages** of drawings were present on filing, using the **7 pages** of drawings filed with the instant petition on February 25, 2005.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

FILE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/212,296	08/30/2004	2913	340	G 0835 US	30	1	1

CONFIRMATION NO. 7278

CORRECTED FILING RECEIPT

OC000000014186415

00423
HENKEL CORPORATION
THE TRIAD, SUITE 200
2200 RENAISSANCE BLVD.
GULPH MILLS, PA 19406

Date Mailed: 10/26/2004

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)

Lutz Paulus, Neuss, GERMANY;
Wulf Herrmannsen, Ronnenberg, GERMANY;
Anja Jansen, Ratlingen, GERMANY;
Werner Moosmann, Tennenberg, GERMANY;

Power of Attorney:

Gregory Hill–31369
Stephen Harper–33243
Glenn Murphy–33539
Steven Bauman–33832
Mary Cameron–34789

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 404 01 292.2 02/28/2004

If Required, Foreign Filing License Granted: 09/30/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/212,296

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Correction tape

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).

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Norris, McLaughlin & Marcus P.A.
30th Floor
220 East 42nd Street
New York NY 10017

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of	:	
Wei Luo	:	DECISION REFUSING STATUS
Application No. 29/212,333	:	UNDER 37 CFR 1.47(b)
Filed: August 31, 2004	:	
Attorney Docket No. 102792-339	:	

This is in response to the petition under 37 CFR 1.47(b), filed April 18, 2005. Applicant obtained an extension of time for response within the fourth-month. Accordingly, the petition is timely filed.

Applicant is given TWO (2) 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 inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On August 31, 2004, applicant filed the above-identified application without an executed oath or declaration. On October 20, 2004, the Office mailed a Notice to File Missing Parts of Application to applicant, requiring an executed oath or declaration and a surcharge for its late filing. On April 18, 2005, applicant submitted the present petition, a request for a four-month extension of time to reply, and an authorization to charge any necessary fees.

Applicant showed that Wei Luo, the non-signing inventor, could not be located at his last known address to execute the declaration. Applicant filed a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that such action is necessary to prevent irreparable damage. Additionally, applicant submitted a Labor Contract and Resignation Report between the inventor and Wen Zhou Ou Si Da Electrical Equipment Ltd. Lastly, applicant submitted an Agreement between Wenzhou Oustar Electrical Industry Co., Ltd. and Reckitt Benckiser Corporate Services Limited, an executed Assignment transferring ownership of the invention from Wenzhou Oustar Electrical Industry Co., Ltd. to Reckitt Benckiser Corporate Services Limited, and an executed

Assignment transferring ownership of the invention from Reckitt Benckiser Corporate Services Limited to Reckitt Benckiser (UK) Ltd.

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 (5) as set forth above.

As to item (5), applicant failed to show that Reckitt Benckiser (UK) Ltd. has sufficient proprietary interest in the subject matter to justify the filing of the application. See MPEP 409.03(f). Upon a review of the Labor Contract, it does not appear that the non-signing inventor agreed to assign to Wen Zhou Ou Si Da Electrical Equipment Ltd. all inventions made during his employment.

The Office reminds applicant that a proprietary interest may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of it. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Accordingly, the petition is dismissed.

The $200.00 petition fee will be charged to Deposit Account No. 14-1263, as authorized by applicant.

Further correspondence with respect to this matter should be addressed as follows and **directed 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: (703) 872-9306
Attn: Office of Petitions

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

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Norris, McLaughlin & Marcus P.A.
30th Floor
220 East 42nd Street
New York NY 10017

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SEP 06 2005

OFFICE OF PETITIONS

In re Application of
Wei Luo
Application No. 29/212,333
Filed: August 31, 2004
Attorney Docket No. 102792-339

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 17, 2005.

Applicant showed that Wei Luo, the non-signing inventor, could not be located at his last known address to execute the declaration. Additionally, applicant filed a declaration in compliance with 37 CFR 1.63 and 1.64, as well as demonstrated that such action is necessary to prevent irreparable damage. Lastly, applicant demonstrated that Reckitt Benckiser (UK) Ltd. has a proprietary interest by submitting a legal memorandum arguing that a court of competent jurisdiction would by the weight of authority in that jurisdiction award title of the invention to Reckitt Benckiser (UK) Ltd. The facts in support of this argument were made of record by way of an affidavit prepared and signed by Xiaogang Cui, a Chinese patent attorney familiar with the law of the jurisdiction involved. Applicant also submitted an English translation of the Chinese Patent Law and the Implementing Regulations of the Chinese Patent Law, which it relied on to show that Reckitt Benckiser (UK) Ltd. has a proprietary interest.

Applicant has met the requirements of 37 CFR 1.47(b). Accordingly, the petition is granted.

This matter is be referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to 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

Wei Luo
2nd Building, First Section. No. 1
Shaoshan Road Fu Rong District
Changsa City, Hunan
People's Republic of China AIR MAIL

COPY MAILED

SEP 06 2005

OFFICE OF PETITIONS

In re Application of	:	
Wei Luo	:	LETTER
Application No. 29/212,333	:	
Filed: August 31, 2004	:	
Title: Emanator Device	:	

Dear Mr. Luo:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a sole 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

Norris, McLaughlin & Marcus P.A.
30th Floor
220 East 42nd Street
New York NY 10017

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

Bell Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135

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JUN 0 9 2005

OFFICE OF PETITIONS

In re Application of
Mark G. Martin
Application No. 29/212,334
Filed: August 30, 2004
Attorney Docket No. 112440-327

: DECISION GRANTING PETITION

This is a decision on the petition filed May 20, 2005, requesting that the above-identified application be accorded a filing date of August 30, 2004.

On August 30, 2004, applicant deposited the above-identified application. On April 26, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without any drawings and that the filing date would be the date of receipt of the omitted items.

In response, on May 20, 2005, applicant submitted the present petition, a $400.00 petition fee, 5 sheets of drawings, and a date-stamped postcard receipt. The postcard acknowledged receipt of "5-page Formal Drawings" on August 30, 2004.

Upon review of the record, 5 sheets of drawings, deposited on August 30, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 30, 2004, included 5 sheets of drawings, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application including the 5 sheets of drawings, was complete on filing and will be granted a filing date of August 30. 2004.

Accordingly, the petition is granted.

The Notice of Incomplete was sent in error and is hereby vacated. Accordingly, the $400.00 petition fee is unnecessary and will be credited to Deposit Account No. 02-1818.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of August 30 2004**, using the 5 sheets of drawings submitted on May 20, 2005, and to mail a corrected filing receipt.

Any inquiries related to 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

Foley & Lardner LLP
1530 Page Mill Road
Palo Alto, CA 94304

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Rory W. Fuerst	:	
Application No. 29/212,358	:	DECISION ON PETITION
Filed: August 30, 2004	:	TO WITHDRAW
Attorney Docket No. 323331-5251	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 2006.

The request is **APPROVED**.

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

The request was signed by Lorna L. Tanner on behalf of all attorneys of record who are associated with Customer No. 38706.

All attorneys/agents associated with the Customer No. 38706 have been withdrawn.

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

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

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

for Denise Pothier
Petitions Examiner
Office of Petitions

cc: **Keen LLC**
1826 Clement Avenue
Suite 200
Alameda, CA 94501

cc: **Rob Woolston, Esq.**
Perkins Coie LLP
1201 Third Avenue, Suite 4000
Seattle, WA 98101

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
29/212,358	08/30/2004	Rory W. Fuerst	323331-5251

CONFIRMATION NO. 9231

OC000000020443352

OC000000020443352

38706
FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO, CA 94304

Date Mailed: 09/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/13/2006.

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

T. Williams

TERRI S WILLIAMS
OP (571) 272-2991

FORMER ATTORNEY/AGENT COPY

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

LISA M. SOLTIS
ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
GLENVIEW IL 60026

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FEB 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Panasik et al.	:	
Application No. 29/212,438	:	ON PETITION
Filed: September 1, 2004	:	
Attorney Docket No. 14806.10	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 10, 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 a Continued Prosecution Application (CPA) and a Preliminary Amendment; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4), since the instant application is a design application, a terminal disclaimer and fee. Accordingly, the response has been accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

This matter is being referred to Technology Center 2900 for processing of the CPA submitted with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

LAURA R. WANEK
300 SOUTH WACKER DRIVE, SUITE 2500
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DORSEY & WHITNEY
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER CO 80202-5647

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OCT 24 2005

OFFICE OF PETITIONS

In re Application of	:	
Aaron Damian Macan	:	
Application No. 29/212,512	:	ON PETITION
Filed: September 1, 2004	:	
Attorney Docket No. 34534/US	:	

This is a decision on the petition, filed October 14, 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 19, 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 14, 2005.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA.

Karen Creasy

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
www.uspto.gov

ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92011

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JAN 24 2007

OFFICE OF PETITIONS

In re Application of :
Craig Rogers :
Application No. 29/212,529 : ON PETITION
Filed: September 2, 2004 :
Attorney Docket No. FUNC DESIGN PATENT US:

This is a decision on the petition, filed October 16, 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).

[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

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

ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92011

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JUN 29 2007

OFFICE OF PETITIONS

In re Application of :
Craig Rogers :
Application No. 29/212,529 : ON PETITION
Filed: September 2, 2004 :
Attorney Docket No. FUNC DESIGN PATENT :

This is a decision on the renewed petition, filed February 12, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowability mailed May 4, 2006. A Notice of Abandonment was mailed on September 22, 2006. In response, on October 16, 2006, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed January 24, 2007. On February 12, 2007, the present petition was filed.

The present petition is found to complete the requirements of 37 CFR 1.137(b) in that petitioner has now supplied the terminal disclaimer and fee.

Accordingly, the petition is **GRANTED**.

The terminal disclaimer filed February 12, 2007 has been entered and made of record.

The application is being referred to the Office of Publications.

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

SPE A. Douglas

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 29/212,549

Paper No.: _____

DATE : 8/5/05

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction on Patent No.: D506419

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.

Lamonte M. Newsome

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:

Has been approved.

Marcus Jackson
Primary Examiner

SPE **Art Unit**

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE 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

OCT 19 2004

BANNER & WITCOFF, LTD
ELEVENTH FLOOR
1001 G STREET, N.W.
WASHINGTON, D.C. 20001-4597

In re Application of	:	
Andrea Harlow	:	
Serial No.: 29/212,557	:	DECISION ON PETITION
Filed: September 3, 2004	:	
For: Portion of a Shoe Midsole	:	

This is in response to the petition applicant filed on September 3, 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

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

JOHN S. EGBERT
HARRISON & EGBERT
412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002

COPY MAILED
JUL 26 2006
OFFICE OF PETITIONS

In re Application of	:	
Vidal, Enric Dosta	:	
Application No. 29/212,571	:	ON PETITION
Filed: September 2, 2004	:	
Attorney Docket No. 2044-1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 16, 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 formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed August 9, 2005. Accordingly, the above-identified application became abandoned on November 10, 2005. A Notice of Abandonment was mailed on January 19, 2006.

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 is required for revival.

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

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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JOHN S. EGBERT
HARRISON & EGBERT
7TH FLOOR
412 MAIN STREET
HOUSTON, TX 77002

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SEP 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Vidal, Enric Dosta	:	
Application No. 29/212,571	:	ON PETITION
Filed: September 2, 2004	:	
Attorney Docket No. 2044-1	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 14, 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 a terminal disclaimer with fee; (2) the petition fee (previously submitted); and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

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

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
29/212,576	09/03/2004	2911	235	207042	3	1	1

CONFIRMATION NO. 6482

CORRECTED FILING RECEIPT

OC000000014369785

Neal L. Slifkin
99 Garnsey Road
Pittsford, NY 14534

Date Mailed: 11/15/2004

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)

Oliver Dobler, Tschagguns, AUSTRIA;

Power of Attorney:

Neal Slifkin–34018

Domestic Priority data as claimed by applicant

Foreign Applications

EUROPEAN (EU) OFFICE FOR HARMONIZATION I 000 152 970 03/17/2004

If Required, Foreign Filing License Granted: 10/02/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/212,576

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Cable connector

Preliminary Class

D13

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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MICHAEL, BEST & FREIDRICH LLP
100 EAST WISCONSIN AVENUE
SUITE 3300
MILWAUKEE, WI 53202-4108

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JUN 29 2007
OFFICE OF PETITIONS

In re Patent No. D524,957	:	
Issue Date: July 11, 2006	:	
Application No. 29/212,628	:	ON PETITION
Filed: September 3, 2004	:	
Attorney Docket No. 066042-9561-00	:	

This is a decision on the petition filed August 17, 2006, 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.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/835295	04/30/04	Beom-Ku Han	403061/Yuliahn

Jeffrey A. Wyand, Reg. No.29,458
Leydig, Voit & Mayer
Suite 300
700 Thirteenth Street,N.W.
washington,D.C.20005-3960

Date Mailed: 09/23/04

NOTICE OF CORRECTED APPLICATION NUMBER

Through an administrative error, the above identified application number was assigned to your application. The correct application number is **29/212660**. Please refer to the new application number in all future correspondence to the Office.

All notices mailed in application 10/835295 have been vacated. An updated filing receipt for **29/212660** will be mailed in due course.

The Office regrets any inconvenience this has caused. Please direct any questions or inquiries to Customer Service at (703) 308-1202.

Office of Initial Patent Examination

Office Copy

Copied from 10835295 on 10/20/2004

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NEAL L. SLIFKIN
99 GARNSEY ROAD
PITTSFORD, NY 14534

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JUL 28 2010

OFFICE OF PETITIONS

In re Patent No. D,508,466	:	
Issue Date: August 16, 2005	:	
Application No. 29/212,667	:	ON PETITION
Filed: September 3, 2004	:	
Attorney Docket No. 207041	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
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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RICHARD J. POE
391 HWY 286 E
CONWAY AR 72032

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SEP 0 6 2005

OFFICE OF PETITIONS

In re Application of
Sid Richmond
Application No. 29/212,702
Filed: September 7, 2004
Attorney Docket No: 04-0602

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a)[1], filed August 15, 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 March 14, 2005 for failure to file a timely reply to the office communication mailed January 11, 2005. Accordingly, a Notice of Abandonment was mailed August 5, 2005.

The petition however, lacks the required petition fee in accordance with 37 CFR 1.137(a)(2) and 37 CFR 1.17(l), which is set at $250.00 for a small entity and $500.00 for a large entity and thus, a 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.

---

[1]A grantable petition under 37 CFR 1.137(a) 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 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(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) 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(c)).

While we are not in a position to discuss the merits of the petition under the unavoidable standard until the petition fee is paid in full, we will advise that the petition filed August 15, 2005 references that a response was filed in the same paper with the response to another office communication mailed in another application. The requirement is that responses to office communications be filed in separate papers and thus the failure of the USPTO to acknowledge the response intended for the instant matter is not the responsibility of the USPTO nor the cause of the application becoming abandoned.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[2]

Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[3]

If petitioner does not think that he can prevail under the unintentional standard of review, petitioner may wish to consider filing a petition under 37 CFR 1.137(b),[4] which now

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[2] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[3] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[4] 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,

provides 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).
The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot 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). As of the date of this decision, The petition fee pursuant to 37 CFR 1.137(b) and 37 CFR 1.17(m) is set at $750.00 for a small entity and $1,500.00 for a large entity.

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
Senior Petitions Attorney
Office of Petitions

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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©)).

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SEP 2 6 2005

OFFICE OF PETITIONS

In re Application of
Sid Richmond
Application No. 29/212,702
Filed: September 7, 2004
Attorney Docket No: 04-0602

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),[1] filed September 16, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned March 14, 2005 for failure to file a timely reply to the office communication mailed January 11, 2005. Accordingly, a Notice of Abandonment was mailed August 5, 2005. On August 15, 2005 a petition to revive under 37 CFR 1.137(a) was filed but was dismissed in a decision mailed September 6, 2005 because the required petition fee was not submitted.

Comes now the instant petition to revive under the unintentional standard. The petition is accompanied by the petition fee and the response to the January 11, 2005 office action.

Additionally, the terminal disclaimer filed with the instant petition will not be entered since the application was filed after June 8, 1995 and a terminal disclaimer is not required. The fee in the amount of $65.00 will be refunded in due course.

All requirements having been met, this application is being forwarded to Technology Center 2911 for appropriate action on the response filed September 16, 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

---

[1] 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©)).

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Paper No. None

Randal D. Homburg
P.O. Box 10470
Midwest City OK 73140-1470

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OFFICE OF PETITIONS

In re Application of
Behnam Mazloompour
Application No. 29/212,711
Filed: September 7, 2004
Attorney Docket Number: 2004-MAZLOOMPOUR
Title: SOCCER TRAINING DEVICE

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application, filed on August 23, 2005.

The above-identified application became abandoned for failure to submit drawings in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed Mach 22, 2005, which set a shortened statutory period for reply of three (3) months. The issue fee was received on May 23, 2005, but the drawings were not included with the submission. No extensions of time are permitted for transmitting formal drawings or issue fees[2]. Accordingly, the above-identified application became abandoned on June 23, 2005. A Notice of Abandonment was mailed on August 18, 2005.

With the present petition, Petitioner has submitted the petition fee, drawings which have been approved by the Draftsperson, and the proper statement of unintentional delay.

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1 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 § 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).

As such, the petition is **GRANTED**.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

Encl. Notice of Draftperson's Patent Drawing Review

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MAR 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Jianghang Lei, et al.	:	
Application No. 29/212,727	:	ON PETITION
Filed: September 8, 2004	:	
Attorney Docket No. 2902246.12	:	

This is a decision on the petition, filed November 2, 2006, to revive the above-identified application under 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. Accordingly, the change of correspondence address filed February 27, 2007 and March 6, 2007 will not be processed. However, in accordance with 37 CFR 1.34(a), the signature of Kening Li, Ph. D. 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 Dr. Li 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 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).

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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.

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).

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

cc: KENING LI. PH. D.
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, PC
555 11TH STREET, NW
6TH FLOOR
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, PC
555 11TH STREET, NW
6TH FLOOR
WASHINGTON, DC 20004

In re Application of Jianghang Lei, et al. Application No. 29/212,727 Filed: September 8, 2004 Attorney Docket No. 2902246.12	: : : : :	ON PETITION

This is a decision on the renewed petition, filed April 4, 2007, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to respond in a timely manner to the Notice of Allowance mailed July 31, 2006. On November 2, 2006, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed March 28, 2007. On April 4, 2007, the present petition was filed.

The present petition is found to complete the requirements of 37 CFR 1.137(b) in that petitioner has now supplied the terminal disclaimer and fee.

In view of the Statement under 37 CFR 3.73(b) filed November 2, 2006, the terminal disclaimer and the Power of Attorney and Correspondence Address Indication Form filed April 4, 2007 have been accepted 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. A copy of this decision should be attached to the cover letter.

The application is being referred to the Office of Publications.

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

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A. Burgess Lowe
The Hoover Company
101 East Maple Street
North Canton, OH 44720

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JUN 21 2006
OFFICE OF PETITIONS

In re Application of :
Parr, et al. : DECISION ON PETITION
Application No. 29/212,803 :
Filed: September 8, 2004 :
Atty. Docket No.: 2755 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

This application became abandoned December 22, 2005 for failure to timely reply to the Notice of Allowance (Notice) mailed September 21, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 8, 2006.

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 fails to satisfy 37 CFR 1.137(b)(3).

Any renewed petition must be accompanied by the required terminal disclaimer (including 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 facsimile: (571) 273-8300

By hand delivery: U.S. Patent and Trademark Office
Customer 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) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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A. Burgess Lowe
The Hoover Company
101 East Maple Street
North Canton, OH 44720

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APR 18 2007

OFFICE OF PETITIONS

In re Application of :
Parr, et al. : DECISION ON PETITION
Application No. 29/212,803 :
Filed: September 8, 2004 :
Atty. Docket No.: 2755 :

This is a decision on the renewed petition under 37 CFR 1.137(b), received March 22, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 22, 2005 for failure to timely reply to the Notice of Allowance (Notice) mailed September 21, 2005. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 8, 2006.

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.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **October 23,2007**

TO SPE OF : ART UNIT **2913**

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/212,805** Patent No.: **D539719 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.

- [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. Vegna
SPE

2913
Art Unit

OIPE IAP93
JAN 17 2006
PATENT & TRADEMARK OFFICE

PTO/SB/27 (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 respond to 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	29/212,809
Filing Date	9/8/2004
First Named Inventor	ARENSDORF, STEPHEN C.
Title	COMPRESSION SHORTS
Atty Docket Number	3496

ADDRESS TO:

MAIL STOP EXPEDITED DESIGN
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 2-1-06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

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 2; Subclasses 403, 407, 228

Class D2; Subclasses 712, 742

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.

Ginnie C. Derusseau — Signature

1/10/06 — Date

Ginnie C. Derusseau — Typed or printed name

35,855 — Registration Number, if applicable

(913) 642-5155 — Telephone Number

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 1.11 and 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: 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/17/06

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/212809** Patent No.: **d525765**

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: _____

_____

_____

_____

_____

SPE **Art Unit** 2914

Sims, Kathleen M.

Subject: RE: IFW 29/212809 d525765

-----Original Message-----
From: Green, Angela
Sent: Tuesday, October 17, 2006 5:21 PM
To: Zarfas, Louis; Sims, Kathleen M.
Subject: IFW 29/212809 d525765

Please respond to Req. for correction ASAP. The Application file has been sent to examiner's Mailbox today. The PTOL-306 has been forwarded for scanning today.

Once decision has been made on PTOL-306 and forwarded to scanning, a return message in Edan/Madras with comment stating "Response has been forwarded for scanning" is very much welcomed and appreciated.

PUBS CofC
Angela Green
ST9A22 Loca 7580
703.308.9380 ext. 123

Thank you for your attention to this matter.

DONE

C of C

OIPE USPTO SEP 1 9 2006 FILE/DATE/PRACTICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U. S. Design Letters Patent No. D525,765	)	September 15, 2006
STEPHEN C. ARENSDORF	)	Filed September 8, 2004
Serial No. 29/212,809	)	Group Art Unit 2914
Issued August 1, 2006	)	Examiner: Kathleen M. Sims
For: COMPRESSION SHORTS	)	(571) 272-8706

Commissioner for Patents
Attention: Certificate of Correction
P. O. Box 1450
Alexandria, Virginia 22313-1450

Certificate
SEP 2 2 2006
of Correction

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Form PTO/SB/44 in duplicate is enclosed herewith, and has been completed to correct the U. S. Patent and Trademark Office's omission of the substitute drawing page, which applicant submitted April 18, 2006 in response to an outstanding office action.

Accordingly, the patentee hereby requests that a Certificate of Correction under 35 U.S.C. § 254 be issued for the above Letters Patent to correct the error indicated on the enclosed Form PTO/SB/44.

Respectfully submitted,

Ginnie C. Dr

D. A. N. CHASE, Reg. #20,682
MICHAEL YAKIMO, JR., Reg. #28,549
GINNIE C. DERUSSEAU, Reg. #35,855
JAMES J. KERNELL, Reg. #42,720
ARTHUR K. SHAFFER, Reg. #50,257
CHASE LAW FIRM, L.C.
4400 College Boulevard, Suite 130
Overland Park, Kansas 66211
Telephone: (913) 339-9666

SEP 2 2 2006

Attorneys for Applicant

SEP 2 2 2006

I hereby certify that this paper is being deposited with the U. S. Postal Service with sufficient postage as first class mail addressed to Commissioner for Patents, Attention: Certificate of Correction, P. O. Box 1450 Alexandria, Virginia 22313-1450
Date of Deposit - September 15, 2006

Ginnie C. Dr

Ginnie C. Derusseau, P. O. Reg. No. 35,855

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. : D525,765

APPLICATION NO.: 29/212,809

ISSUE DATE : August 1, 2006

INVENTOR(S) : Stephen C. Arensdorf

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:

Page 1:
Delete the drawing at bottom of page and substitute the drawing that appears as Fig. 1 on the replacement drawing sheet submitted April 18, 2006

Page 2:
Delete Figs. 1, 2 and 3 and substitute the replacement drawing sheet submitted April 18, 2006

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.

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. : D525,765

APPLICATION NO.: 29/212,809

ISSUE DATE : August 1, 2006

INVENTOR(S) : Stephen C. Arensdorf

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:

Page 1:
Delete the drawing at bottom of page and substitute the drawing that appears as Fig. 1 on the replacement drawing sheet submitted April 18, 2006

Page 2:
Delete Figs. 1, 2 and 3 and substitute the replacement drawing sheet submitted April 18, 2006

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.

2 2 2006

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 12 2005

OFFICE OF PETITIONS

SEYFARTH SHAW
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

In re Application of Murphy et al. Application No. 29/212,811 Filed: September 8, 2004 Attorney Docket No. 37407-400900 For: Hockey Helmet Having Contrasting Tones	DECISION REFUSING TO ACCORD STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed May 18, 2005.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

The petition fee of $200 has been charged to petitioner's deposit account.

Non-signing inventor Garnet Alexander:

Petitioner should confirm that an entire set of application papers, including specification, drawings, and claims, were sent to Alexander with the declaration. Although this fact is implied in the petition, it is not fully and explicitly stated. The inventor must be supplied with a copy of all the papers because an inventor is unable to sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. Also, until an inventor reviews the papers and reads the specification and claims, an inventor cannot know if he or she is actually an inventor of the claimed invention.

The details concerning Garnet's refusal to sign the declaration are unclear. Scarfo's declaration states that Alexander left a message "in which Mr. Alexander surmised that the purpose of my call was the [instant] matter." Did Alexander orally refuse to sign the declaration or is petitioner arguing Alexander's failure to return a copy of the declaration is constructive refusal?

Non-signing inventor Bologna

Petitioner has failed to establish inventor Bologna cannot be found or located after diligent effort. For example, has petitioner contacted directly assistance or performed internet searches to find Bologna? The Office found four individuals named V. Bologna in the United States by simply performing a search using Yahoo People Search. If Bologna cannot be found, any request for reconsideration should discuss steps which were taken to try to find Bologna.

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

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

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

Charles Steven Brantley
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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE2400
CHICAGO, IL 60603-5803

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Murphy et al.	:	Decision Refusing to Accord
Application No. 29/212,811	:	Status Under 37 CFR 1.47(a)
Filed: September 8, 2004	:	and Decision on Petition
Attorney Docket No. 37407-400900	:	Under 37 CFR 1.137(b)
For: Hockey Helmet Having Contrasting Tones	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed June 24, 2007, and the petition under 37 CFR 1.137(b) filed June 24, 2007.

The petition under 37 CFR 1.47(a) is **dismissed**.

The petition under 37 CFR 1.137(b) 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 1.47(a) and 37 CFR 1.137(b)."

The petition under 37 CFR 1.47(a):

A declaration containing only one of the three inventors' signatures was filed May 18, 2005. On the same date, petitioner filed a petition under 37 CFR 1.47(a) to accept the declaration without the signatures of inventors Garnet Alexander and Vittorio Bologna.

The petition was dismissed in a decision mailed September 12, 2005. The decision stated, with emphasis in the original,

> 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.... **Failure to respond will result in abandonment of the application.**

A request for reconsideration was not filed. As a result, the application became abandoned as of midnight on Monday, November 14, 2005.

A declaration containing Garnet's signature was filed July 13, 2006. The declaration was not accompanied by a petition under 37 CFR 1.47 or a petition to revive.

A Notice of Abandonment was mailed January 31, 2007.

The instant petition was filed June 24, 2007. The petition includes a declaration signed by Garnet Alexander and a declaration signed by Vittorio Bologna.

Unfortunately, the declarations signed by Alexander and Bologna cannot be accepted by the Office.

The declaration signed by Stephen Murphy lists all three inventors. Therefore, Murphy signed a declaration stating that he, Bologna, and Garnet are the inventors of the subject matter being claimed.

The declaration signed by Alexander consists of two pages. The first page does not list the name of any inventor other than including the name Stephen Murphy in the header section. The second page only lists Alexander's name. Inventor Bologna's name is not listed anywhere in the declaration. The declaration indicates Alexander is the sole inventor. Alexander must sign a declaration clearly listing the names of all three inventors.

The declaration signed by Bologna consists of two pages. The first page does not list the name of any inventor other than including the name Stephen Murphy in the header section. The second page only lists Bologna's name. Inventor Alexander's name is not listed anywhere in the declaration. The declaration indicates Bologna is the sole inventor. Bologna must sign a declaration clearly listing the names of all three inventors.

Petitioner must supply proper declarations signed by Alexander and Bologna.

All the declarations are deficient because they fail to provide the full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

MPEP 605.04(b) discussing the requirement for a declaration to provide the full name of each inventor. MPEP 605.04(b) states,

> 37 CFR 1.63(a)(2) requires that each inventor be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial in the oath or declaration. For example, if the applicant's full name is "John Paul Doe," either "John P. Doe" or "J. Paul Doe" is acceptable....
>
> A situation may arise where an inventor's full given name is a singular letter, or is a plurality of singular letters. For example, an inventor's full given name may be "J. Doe" or "J.P. Doe," i.e., the "J" and the "P" are not initials. In such a situation, identifying the inventor by his or her family name and the singular letter(s) is acceptable, since that is the inventor's full given name. In order to avoid an objection under 37 CFR 1.63(a)(2), applicant should point out in the oath or declaration that the singular lettering set forth is

the inventor's given name. A statement to this effect, accompanying the filing of the oath or declaration, will also be acceptable. Without such a statement, the examiner should treat the singular letter(s) as an abbreviation of the inventor's given name and should object to the oath or declaration using the appropriate form paragraphs. Applicant may overcome this objection by filing a responsive statement that the singular letter(s) is/are the inventor's given name(s).

The Office recommends petitioner file an Application Data Sheet fully listing the name for each inventor in order to correct the problem above. Filing an ADS allows petitioner to avoid the need of obtaining inventor Murphy's signature on a supplemental petition.

The petition under 37 CFR 1.137(b):

A grantable petition under 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,
(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.

As to item (1), since the petition under 37 CFR 1.47(a) is being dismissed, a proper reply has not been filed.

As to item (4), the petition fails to include a terminal disclaimer and the required fee.

37 CFR 1.137(d)(1) states in part, "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." Therefore, a terminal disclaimer is required for the instant design application.

A terminal disclaimer has not been filed. Therefore, the petition must be dismissed.

Any request for reconsideration should include a terminal disclaimer and the required fee. A copy of a terminal disclaimer form is attached.

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: PTO/SB/63 Terminal Disclaimer Form

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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JUN 13 2008

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	Decision on Petition Under
Murphy et al.	:	37 CFR 1.137(b)
Application No. 29/212,811	:	
Filed: September 8, 2004	:	Decision Noting Joinder of Inventors
Attorney Docket No. 1912-0358PUS1	:	and Dismissing Any Request For
For: Hockey Helmet Having	:	Status Under 37 CFR 1.47(a) as
Contrasting Tones	:	Moot

This is a decision in response to the papers filed February 27, 2008, which include a petition under 37 CFR 1.137(b) and a proper declaration signed by all the inventors.

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

Consideration of any prior request for status under 37 CFR 1.47(a) is **dismissed as moot**.

The petition under 37 CFR 1.137(b):

A declaration containing only one of the three inventors' signatures was filed May 18, 2005. On the same date, petitioner filed a petition under 37 CFR 1.47(a) to accept the declaration without the signatures of inventors Garnet Alexander and Vittorio Bologna. The petition was dismissed in a decision mailed September 12, 2005. The decision stated, with emphasis in the original,

> 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.... **Failure to respond will result in abandonment of the application.**

A request for reconsideration was not filed. As a result, the application became abandoned as of midnight on Monday, November 14, 2005. A Notice of Abandonment was mailed January 31, 2007.

Petitioner requests revival of the application.

Petitioner has filed a proper declaration signed by all the inventors, 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.

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.

Mark Nuell signed the petition filed February 27, 2008. Nuell was not an attorney or agent of record at the time the application became abandoned. Therefore, it appears Nuell may not have been in a position to have firsthand or direct knowledge of the facts and circumstances of the entire period of delay. Nevertheless, the statement by Nuell that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[1] 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 a portion of the delay 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.

The prior request for status under 37 CFR 1.47(a):

The papers filed February 27, 2008, include a proper declaration signed by all of the inventors.

In view of the joinder of the inventor, further consideration under Rule 1.47(a) is unnecessary.

Fees:

Petitioner submitted $1,540 for the petition fee required when filing a petition under 37 CFR 1.137(b). However, the fee was previously paid on June 14, 2007. Therefore, $1,540 has been credited back to petitioner's deposit account (02-2448).

The prior decision on petition mailed August 27, 2007, stated,

> 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 instant petition was not filed until February 27, 2008. Therefore, petitioner's deposit account has been charged $1,640 for the necessary extension of time.

The Office of Patent Application Processing will be informed of the instant decision so that it may continue taking steps to prepare the application for examination.

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

---

[1] 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).

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

FRANK J. DYKAS
DYKAS, SHAVER & NIPPER, LLP
PO BOX 877
BOISE, ID 83701

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JUL 2 5 2006

OFFICE OF PETITIONS

In re Application of

Duffin, et al.

Application No. 29/212,868

Filing Date: September 8, 2004

Attorney Docket No. DUFR201

This is a decision on the petition under 37 CFR §1.137(b), filed April 3, 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 Allowability mailed October 19, 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 January 20 2006. A Notice of Abandonment was mailed on March 20, 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

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: "Terminal Disclaimer to Accompany Petition"

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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FRANK J. DYKAS
DYKAS, SHAVER & NIPPER, LLP
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BOISE, ID 83701

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OFFICE OF PETITIONS

In re Application of

Duffin, et al.

Application No. 29/212,868

Filed: September 8, 2004

Attorney Docket No. DUFR201

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR §1.137(b), August 14, 2006, to revive the above-identified application.

The renewed petition is **granted**.

This application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability (the "Notice") mailed October 19, 2005. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on January 20, 2006. A Notice of Abandonment was mailed on March 20, 2006.

Corrected drawings were received on August 14, 2006.

The terminal disclaimer filed August 14, 2006, is also noted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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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
29/212,883	09/08/2004	2913	340	6639P037	19	1	1

CONFIRMATION NO. 9333

CORRECTED FILING RECEIPT

OC000000014302409

08791
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 11/05/2004

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 Tanaka, Austin, TX;
Aage Granaas, Redwood City, CA;

Power of Attorney: The patent practitioners associated with Customer Number **08791**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/212,883

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Mobile computer

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

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JUL 19 2005

OFFICE OF PETITIONS

In re Application of :
Asai et al. :
Application No. 29/212,892 : ON PETITION
Filed: September 10, 2004 :
Attorney Docket No. Q83398 :

This is a decision on the petition under 37 CFR 1.53, filed June 27, 2005, requesting that the above-identified application be accorded a filing date of September 10, 2004.

On September 10, 2004, applicants deposited the above-identified application. On May 31, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on June 27, 2005, applicants filed the present petition and a copy of applicants' date-stamped postcard receipt acknowledging receipt of 6 sheets of drawings on September 10, 2004. Additionally, applicants submitted 6 sheets of drawings with the present petition.

Upon review of the record, the 6 sheets of drawings, deposited on September 10, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 10, 2004, included 6 sheets of drawings, which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 6 sheets of drawings, was complete on filing and will be granted a filing date of September 10, 2004.

Accordingly, the petition is granted.

The requirement for drawings set forth in the Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of September 10, 2004,** using the 6 sheets of drawings submitted on June 27, 2005, as part of the original disclosure, and to mail a filing receipt.

Any inquiries related to this decision should 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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400 SOUTH THIRD STREET
MONTROSE CO 81401

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OFFICE OF PETITIONS

In re Application of	:	
Artis, Alisa E.	:	
Application No. 29/212,896	:	ON PETITION
Filed: September 10, 2004	:	
Attorney Docket No. 04-07-24.2D	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 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 formal drawings in a timely manner in reply to the Notice of Allowability mailed December 15, 2005, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 16, 2006. A Notice of Abandonment was mailed on May 3, 2006.

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 in fact a design application, a terminal disclaimer and fee is required for revival.

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

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OFFICE OF PETITIONS

In re Application of	:	
Artis, Alisa E.	:	
Application No. 29/212,896	:	ON PETITION
Filed: September 10, 2004	:	
Attorney Docket No. 04-07-24.2DA	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 1, 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) 272-3206.

Liana Chase Walsh
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

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OFFICE OF PETITIONS

In re Application of	:
Blossom	: DECISION ON PETITION
Application No. 29/212,899	:
Filed: September 9, 2004	:
Docket No.: 42950.000086	:

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

The petition is **GRANTED**.

This application became abandoned May 4, 2006 for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee(s) Due ("Notice") mailed February 3, 2006. The Notice set a three month statutory period for reply. This decision precedes Notice of Abandonment.

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 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Publications Division 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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FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Patent No. D525,019	:	
Issue Date: July 18, 2006	:	
Application No. 29/212,937	:	NOTICE
Filed: September 10, 2004	:	
Attorney Docket No. JCHO 0421501	:	

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.

Liana Walsh
Petitions Examiner
Office of Petitions

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ROZA & CHEN
15910 VENTURA BOULEVARD
SUITE 1601
ENCINO, CA 91436

8/15/05

In re Application of
Ji Hong Cheng
Serial No.: 29/212,954
Filed: September 10, 2004
Attorney Docket No.: 38610.010

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, filed June 20, 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 Allowance mailed November 30, 2004. As no response was received by February 28, 2005, a Notice of Abandonment was mailed April 28, 2005. 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 February 11, 2005, a copy of the check, and an Express Mail certificate showing that the response was received February 14, 2005. While the response was never associated with the application, it is clear from the evidence that the case was abandoned in error.

The Issue fee of $400.00, plus $30.00 for copies will be charged to applicant's Deposit Account 18-2222, 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 M. Stone

Jacqueline Stone
Director, Technology Center 1700/2900

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

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OFFICE OF PETITIONS

In re Application of	:	
Mandel	:	
Application No. 29/212,971	:	ON PETITION
Filed: September 10, 2004	:	
Attorney Docket No. 53387/DRK/G323	:	

This is a decision on the petition under 37 CFR 1.53(e), filed July 11, 2005, requesting that the USPTO accord the above-identified application a filing date of September 10, 2004, with 4 sheets of drawings as part of the original disclosure.

On September 10, 2004, applicant deposited the above-identified application. On June 14, 2005, the Office mailed a Notice of Incomplete Nonprovisional Application, stating that the application was deposited without any drawings and that the filing date would be the date of receipt of the drawings.

In response, on July 11, 2005, applicant filed the present petition and a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of 4 sheets of drawings in the USPTO on September 10, 2004. Additionally, applicant submitted a copy of the 4 sheets of drawings with the present petition.

Upon review of the record, the 4 sheets of drawings, deposited on September 10, 2004, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on September 10, 2004, included 4 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the 4 sheets of drawings, was complete on filing and will be accorded a filing date of September 10, 2004.

Accordingly, the petition is granted.

The Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to Deposit Account No. 03-1728.

The Office of Initial Patent Examination is directed to accord the application a filing date of September 10, 2004, using the 4 sheets of drawings submitted on July 11, 2005, and to mail a corrected filing receipt.

Any inquiries related to this decision should 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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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

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JUL 11 2007

OFFICE OF PETITIONS

In re Application of
Mary B. ADAMS et al.
Application No. 29/212,972
Filed: September 10, 2004
Attorney Docket No. **J-4136D**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 06, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure s to timely pay the issue fees in a timely manner as required by the Notice of Allowance and Fee(s) Due, mailed July 24, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 25, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $800 issue fee, (2) the petition fee of $1500, (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 timely pay the issue fee as required by the Notice of Allowance and Fee(s) is accepted as being unintentionally delayed.

The terminal disclaimer is accepted and have 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.

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.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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 Tredelle Jackson at (571) 272-2783.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Amelia Au
Petitions Examiner
Office of Petitions

cc: **THOMAS P. RIELY**
MCCRACKEN & FRANK LLP
200 W. ADAMS
SUITE 2150
CHICAGO, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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25TH FLOOR
NEW YORK NY 10017-2023

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of	:
Akihiro Miyahara	:
Application No. 29/212,977	: DECISION GRANTING
Filed: 10 September, 2004	: PETITION
Attorney Docket No. 04608/LH	:

This is a decision on the petition under 37 CFR 1.10(d) filed on 20 October, 2004, requesting that the above-identified application be accorded a filing date of 10 September, 2004, instead of the presently accorded filing date of 11 September, 2004.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail service on 10 September, 2004. Although the USPS Express Mail Customer Label bears a "date-in" of "9/11", petitioners have supplied a statement by USPS employee Richard Zito, stating that the package bearing Express Mail No. EV512418946US (the same Express Mail tracking number found on the itemized transmittal sheet accompanying the original application papers) was picked up on 10 September, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is 10 September, 2004.

In view of the above, the petition is granted. No petition fee is required. The petition fee of $130.00 will be credited to counsel's deposit account, No. 06-1378.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **10 September, 2004.**

Telephone inquiries specific to this matter 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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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
29/212,977	09/10/2004	2913	340	04608/LH	6	1	1

CONFIRMATION NO. 3849

CORRECTED FILING RECEIPT

OC000000015481697

01933
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

Date Mailed: 03/17/2005

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)

Akihiro Miyahara, Tokyo, JAPAN;

Power of Attorney:

Herbert Goodman–17081
Leonard Holtz–22974
Marshall Chick–26853
Richard Barth–28180
Douglas Holtz–33902
Robert Michal–35614

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/14/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/212,977

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Cash register

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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OFFICE OF PETITIONS

In re Application of	:	
Akihiro Miyahara	:	
Application No. 29/212,978	:	DECISION GRANTING
Filed: 10 September, 2004	:	PETITION
Attorney Docket No. 04606/LH	:	

This is a decision on the pétition under 37 CFR 1.10(d) filed on 20 October, 2004, requesting that the above-identified application be accorded a filing date of 10 September, 2004, instead of the presently accorded filing date of 11 September, 2004.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail service on 10 September, 2004. Although the USPS Express Mail Customer Label bears a "date-in" of "9/11", petitioners have supplied a statement by USPS employee Richard Zito, stating that the package bearing Express Mail No. EV512418946US (the same Express Mail tracking number found on the itemized transmittal sheet accompanying the original application papers) was picked up on 10 September, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is 10 September, 2004.

In view of the above, the petition is granted. No petition fee is required. The petition fee of $130.00 will be credited to counsel's deposit account, No. 06-1378.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **10 September, 2004**.

Telephone inquiries specific to this matter 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW 03-05

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK NY 10017-2023

COPY MAILED

MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of	:
Akihiro Miyahara	:
Application No. 29/212,979	: DECISION GRANTING
Filed: 10 September, 2004	: PETITION
Attorney Docket No. 04607/LH	:

This is a decision on the petition under 37 CFR 1.10(d) filed on 20 October, 2004, requesting that the above-identified application be accorded a filing date of 10 September, 2004, instead of the presently accorded filing date of 11 September, 2004.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail service on 10 September, 2004. Although the USPS Express Mail Customer Label bears a "date-in" of "9/11", petitioners have supplied a statement by USPS employee Richard Zito, stating that the package bearing Express Mail No. EV512418946US (the same Express Mail tracking number found on the itemized transmittal sheet accompanying the original application papers) was picked up on 10 September, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" shown on the Express Mail label is incorrect and that the correct date of deposit in Express Mail service is 10 September, 2004.

In view of the above, the petition is granted. No petition fee is required. The petition fee of $130.00 will be credited to counsel's deposit account, No. 06-1378.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **10 September, 2004.**

Telephone inquiries specific to this matter 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

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

OCT 27 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Clifford Bruce Gerber	:	
Serial No.: 29/212,998	:	DECISION ON PETITION
Filed: September 10, 2004	:	
For: Outsole of a Shoe	:	

This is in response to the petition applicant filed on September 10, 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

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
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Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

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MAR 3 0 2007

OFFICE OF PETITIONS

NOTICE

In re Patent No. D524,022 :
Issue Date: July 4, 2006 :
Application No. 29/213,017 :
Filed: September 9, 2004 :
Attorney Docket No. JCHO 0420181 :

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

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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866 United Nations Plaza
New York NY 10017

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MAR 3 0 2007

OFFICE OF PETITIONS

In re Patent No. D525,418 :
Issue Date: July 25, 2006 :
Application No. 29/213,018 :
Filed: September 9, 2004 :
Attorney Docket No. JCHO 0421506 :

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 no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York, NY 10017

In re Patent No. D525020	:	
Issued: July 18, 2006	:	
Application No.: 29/213,019	:	ON PETITION
Filed: September 9, 2004	:	
Attorney Docket No: **JCHO 0420183**	:	

This is a regarding the petition under 37 CFR 1.28(c) filed August 21, 2006.

The petition is **GRANTED.**

By the instant petition, petitioner informs the USPTO that the inventive entity or assignee is not eligible for small status. The loss of small entity status is acknowledged and noted in the application file.

Payment of the deficiencies in various fees previously remitted to the USPTO are of record as of August 21, 2006.

The application file will be directed 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

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

8/16/05

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

In re Application of	
Donald P.H. Wu	:
Serial No.: 29/213,020	:
Filed: September 10, 2004	: PETITION DECISION
Attorney Docket No.: 14860 B (CFP-2477)	:
	:

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed April 14, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed November 15, 2004, which set a three-month statutory period to submit the Issue Fee. Applicant submitted the Issue fee on February 17, 2005; however, as the response was not received by February 15, 2005, a Notice of Abandonment was mailed April 1, 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's Deposit account 02-1435, 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

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

FROSS, ZELNICK, LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

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OFFICE OF PETITIONS

In re Patent No. D521,228	:	
Issue Date: May 23, 2006	:	
Application No. 29/213,037	:	NOTICE
Filed: September 9, 2004	:	
Attorney Docket No. JCHO 0420547	:	

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.

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

LUKE ANDERSON, ESQUIRE
McGuireWoods, LLP
THE PROSCENIUM, SUITE 2100
1170 PEACHTREE STREET NE
ATLANTA, GA 30309

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OFFICE OF PETITIONS

In re Application of	:	
Glenn Prillaman et al	:	
Application No. 29/213,065	:	DECISION GRANTING PETITION
Filed: September 13, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 2000340.0136	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 13, 2006, 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 August 3, 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 above-identified application became abandoned on October 4, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) a reply to the Ex parte Quayle Office action of August 3, 2005; (2) the $1,500 petition fee; (3) the required statement of unintentional delay; (4) and a terminal disclaimer as required by 37 CFR 1.137(d) have been received. Accordingly, the reply to the Ex parte Quayle Office action of August 3, 2005 is accepted as having been unintentionally delayed.

The terminal disclaimer filed with the petition has been accepted and recorded in the present application.

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

This matter is being referred to Technology Center AU 2913 for appropriate action on the reply received March 13, 2006.

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

John Hilten
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-4215

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JUN 14 2007

OFFICE OF PETITIONS

In re Patent No. D523,659 :
Issue Date: June 27, 2006 :
Application No. 29/213,089 :
Filed: September 13, 2004 :
Patentee(s): Glenn Prillaman, et. al. :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on December 29, 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).**

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified 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.

Further, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 3, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No. 29/213097 patent no. D523414

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.

Should drawings be approved?

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

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 3, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No. 29/213097 patent no. D523414

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.

Should drawings be approved?

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

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

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: _____

IAN SIMMONS
SUPERVISORY PATENT EXAMINER

SPE

2916
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

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

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AUG 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Martin	:	Decision on Petition
Application No. 29/213,098	:	
Filing Date: September 14, 2004	:	
Attorney Docket No. 254496US20DES/hyc	:	

This is a decision on the correspondence filed January 24, 2006, which is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. 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.

Petitioner has not met the requirements set forth above because petitioner has not filed a request for a certificate of correction and the required fee. Therefore, the request is dismissed.

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

The file is being forwarded to Files Repository.

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

Shirene Willis Brantley
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
DIW Aug-06

SHIH-LEI LIN
P.O. BOX NO. 6-57
JUNGHE
TAIPEI 235 TW TAIWAN

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AUG 0 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Shih-Lei Lin	:	DECISION ON PETITION TO
Application No. 29/213,171	:	WITHDRAW HOLDING OF
Filed: 15 September, 2004	:	ABANDONMENT
FOR: GOLF RANGE FINDER	:	

This is a decision on the petition filed on 9 September, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 18 November, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 4 April, 2005.

Petitioner asserts that he first learned of the abandonment of the application after telephoning the USPTO on 23 August, 2005. Petitioner further states that the Notice of Allowance was never receved because of a typographical error in the address to which the Notice of Allowance was mailed. Specifically, petitioner's address was "P.O. Box No. 6-57," but the USPTO incorretly mailed to the Notice of Allowance to "P.O. Box 6-75." As such, the Notice of Allowance mailed on 18 November, 2004, was never received.

In the absence of any irregularity in the mailing of the final Office action, there is a strong presumption that the final Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received. The showing required to establish the failure to receive 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 action was not received. A copy of the docket record where the non-received Office action 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" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c). The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the final Office action may have been lost after receipt rather than a conclusion that the final Office action was lost in the mail.

A review of the record indicates that the Notice of Allowance and Issue Fee Due mailed on 18 November, 2004, as well as the Notice of Abandonment mailed on 4 April, 2005, were mailed to "P.O. Box 6-75" while the correspondence address as provided on the application transmittal and declaration is "P.O. Box 6-57." As such, there is an irregularity in the mailing of the Notice of Allowance, since it was not mailed to the proper address. Therefore, it is concluded that since the Notice was not mailed to the proper address due to Office error, there is no abandonment in fact.

The petitioner has made a sufficient showing of nonreceipt of the Office action. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application file is being referred to Technology Center 2900 technical support staff for remailing of the Notice of Allowance and Fee(s) Due. The period for reply will be reset from the mailing date thereof.

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

Commissioner for Patents
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SEP 28 2004

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

In re Application of	:	
Jack Schmitt	:	
Serial No.: 29/213,237	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: September 14, 2004	:	
For: Bed Headboard	:	

This is in response to the Request for expedited examination applicant filed September 14 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

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
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SEP 28 2004

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

In re Application of	:	
Jack Schmitt	:	
Serial No.: 29/213,239	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: September 14, 2004	:	
For: Dresser	:	

This is in response to the Request for expedited examination applicant filed September 14, 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

John E. Kittle
Director
Technology Center 3700/2900

2425 PUS

Hw

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PATENT & TRADEMARK OFFICE

PTO/SB/83 (09-04)
Approved for use through 11/30/2005. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	29/213,241
Filing Date	09-14-2004
First Named Inventor	Jack Schmitt
Art Unit	2913
Examiner Name	
Attorney Docket Number	T-4474

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/20/05
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [x] the attorneys/agents associated with Customer Number 42556

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

transfer of responsibility to different office of firm.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [x] Change the correspondence address and direct all future correspondence to:

[x] The address associated with Customer Number: 25189

OR

[x] Firm *or* Individual Name	Donald M. Cislo				
Address	CISLO & THOMAS LLP 233 Wilshire Boulevard, Suite 900				
City	Santa Monica	State	CA	Zip	90401
Country	USA				
Telephone	310-451-0647	Fax	310-394-4477		
Signature	Charles H. Thomas				
Name	Charles H. Thomas	Registration No.	25,710		
Date	February 23, 2005	Telephone No.	562-595-8422		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. 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.

Tuscano China Cabinet and Buffet

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 28 2004

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

In re Application of	:	
Jack Schmitt	:	
Serial No.: 29/213,248	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: September 14, 2004	:	
For: Dresser	:	

This is in response to the Request for expedited examination applicant filed September 14, 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

John E. Kittle
Director
Technology Center 3700/2900

OIPE JC161
FEB 2 3 2005
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2125105

IFW

PTO/SB/83 (09-04)
Approved for use through 11/30/2005. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	29/213,248
Filing Date	09-14-2004
First Named Inventor	Jack Schmitt
Art Unit	2913
Examiner Name	
Attorney Docket Number	T-4481

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved 7/20/05
JMotone
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- [ ] all the attorneys/agents of record.
- [ ] the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- [x] the attorneys/agents associated with Customer Number 42556

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

transfer of responsibility to different office of firm.

CORRESPONDENCE ADDRESS

1. [ ] The correspondence address is NOT affected by this withdrawal.
2. [x] Change the correspondence address and direct all future correspondence to:

[x] The address associated with Customer Number: 25189

OR

[x] Firm or Individual Name	Donald M. Cislo				
Address	CISLO & THOMAS LLP 233 Wilshire Boulevard, Suite 900				
City	Santa Monica	State	CA	Zip	90401
Country	USA				
Telephone	310-451-0647	Fax	310-394-4477		
Signature	Charles H. Thomas				
Name	Charles H. Thomas	Registration No.	25,710		
Date	February 23, 2005	Telephone No.	562-595-8422		

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. 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.

Excelsior Dresser

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

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI OH 45202

COPY MAILED

JAN 05 2010

OFFICE OF PETITIONS

In re Application of :
Dominic Kan Nam Lee :
Application No. 29/213,293 :
Filed: September 15, 2004 :
Attorney Docket No. **102704/0526963** :

NOTICE

This is a notice regarding your request filed November 9, 2009, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
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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DEC 31 2009
OFFICE OF PETITIONS

FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

In re Patent No. D,512,963	:	
Issue Date: December 20, 2005	:	
Application No. 29/213,294	:	NOTICE
Filed: September 15, 2004	:	
Attorney Docket No. 102704/0526968	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

This 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) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSHALL GERSTEIN & BORUN LLP
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO, IL 60606

COPY MAILED

MAR 2 6 2007

OFFICE OF PETITIONS

In re Application of :
Darrell M. Merino et al :
Application No. 29/213,305 : ON PETITION
Filed: September 15, 2004 :
Attorney Docket No. 27087/40092 :

This is a decision on the petition, filed March 21, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

Petitioner should be aware that the filing of a petition under 37 CFR 1.313(c)(2), for consideration of a submission under 37 CFR 1.114 (request for continued examination), do **not** apply to **design** applications. However, petitioner may consider filing under 37 CFR 1.313(c)(3), in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

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 PETITION
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 facsimile: (571) 273-8300
ATTN: Office of Petitions

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 26 2007

OFFICE OF PETITIONS

MARSHALL, GERSTEIN & BORUN
233 S. WACKER DRIVE, SUITE 6300
SEARS TOWER
CHICAGO IL 60606

In re Application of :
Darrell M. Merino et al :
Application No. 29/213,305 : ON PETITION
Filed: September 15, 2004 :
Attorney Docket No. 27087/40092 :

This is a decision on the petition, filed March 26, 2007, 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 January 29, 2007 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 March 26, 2007.

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

This matter is being referred to Technology Center AU 2912 for processing of the CPA.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070703

DATE : July 3, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: d533,501

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:

STELLA M. REID
SUPERVISORY PATENT EXAMINER

SPE: Stella Reid **Art Unit** 2912

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070801

DATE : August 1, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D533,502 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 3-910
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:

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE: Stella Reid **Art Unit** 2912

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

OCT 27 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Leo S. Change	:	
Serial No.: 29/213,339	:	DECISION ON PETITION
Filed: September 15, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on September 15, 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

John E. Kittle
Director
Technology Center 3700/2900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Hlavacs

Serial No.: To be assigned 29/213340

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned

Group Art Unit: 2900 Simone, D

Attorney Docket No.: 2465-6547US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994842276US

Date of Deposit with USPS: September 15, 2004

Person making Deposit: Chris Haughton

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 FEB 23 2005

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

09/20/2004 AKELECH1 00000023 29213340
02 FC:1460 PETITION 130.00 OP

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

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

OCT 27 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
N. Scot Hull	:	
Serial No.: 29/213,341	:	DECISION ON PETITION
Filed: September 15, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on September 15, 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

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

OCT 28 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of David Roulo Serial No.: 29/213,342 Filed: September 15, 2004 For: Side Element of a Shoe Upper	DECISION ON PETITION

This is in response to the petition applicant filed on September 15, 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

John E. Kittle
Director
Technology Center 3700/2900

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
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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
29/213,355	09/16/2004	2911	170	32151-1401	6	1	1

CONFIRMATION NO. 9874

CORRECTED FILING RECEIPT

OC000000015077954

23932
JENKENS & GILCHRIST, PC
1445 ROSS AVENUE
SUITE 3200
DALLAS, TX 75202

Date Mailed: 02/01/2005

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)

Mark Gajewski, Avila Beach, CA;

Power of Attorney:

Andre Szuwalski–35701
Lisa Meyerhoff–36869
Lekha Gopalakrishnan–46733

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 10/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/213,355

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Combination ceiling fan and light fixture

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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 11, 2007

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/213547 Patent No.: D,525,101 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: _____

Gary D. Watson — **SPE**

2915 — **Art Unit**

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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Paper No.

BUCKLEY, MASCHOFF,
TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

COPY MAILED

MAY 2 0 2005

OFFICE OF PETITIONS

In re Application of :
John Byrne and David Chiappetta: DECISION ON PETITION
Application No. 29/213,549 :
Filed: September 20, 2004 :
Title: ONE-PIECE GUITAR STRING:
CLEANER :

This is in response to the "PETITION UNDER 37 CFR § 1.47(b) FOR NON-SIGNING INVENTOR IN RESPONSE TO NOTICE OF MISSING PARTS FILED UNDER 37 CFR § 1.53(b) …," filed November 15, 2004. This petition is properly treated under 37 CFR § 1.47(a)[1].

The petition is **DISMISSED** without consideration on the merits.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

---

[1] This petition is properly considered under § 1.47(a) as one of the inventors is available to join in the application. Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. See MPEP 409.03(a) and (b).

The above-identified application was filed on September 20, 2004, without an executed oath or declaration. John Byrne and David Chiappetta were identified as joint inventors. Accordingly, on October 21, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and surcharge for its late filing. The Notice specifically stated that the response must include the late surcharge to avoid abandonment.

In response, applicants filed the instant petition, a check for $130 with fee transmittal, and a declaration executed only by joint inventor Byrne. The fee transmittal directed the $130 payment to cover the $130 petition fee. No additional payment or authorization to charge a deposit account were submitted or are of record. To avoid abandonment of this application, applicants' payment has been applied to the $65 late surcharge.

In view thereof, payment of the balance of the petition fee (now $400) is now outstanding. The $335 balance is required for consideration of the petition on the merits.

It is noted that since the filing of the instant petition, an assignment of the invention of the entire right, title and interest to non-signing inventor Chiappetta appears to have occurred. As such, inventor Chiappetta may now be willing to join in the application. Applicants are reminded that an executed declaration signed by inventor Chiappetta in full compliance with § 1.63, along with payment of the petition fee, is a proper response to this dismissal.

Further correspondence with respect to this decision 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: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

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) 272-3219.

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.

BUCKLEY, MASCHOFF,
TALWALKAR LLC
5 ELM STREET
NEW CANAAN, CT 06840

COPY MAILED

SEP 12 2005

OFFICE OF PETITIONS

In re Application of :	
John Byrne and David Chiappetta:	DECISION NOTING JOINDER
Application No. 29/213,549 :	OF INVENTOR
Filed: September 20, 2004 :	and PETITION UNDER
Title: ONE-PIECE GUITAR STRING:	37 CFR § 1.47(a)
CLEANER :	DISMISSED AS MOOT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR §1.47(a)" filed July 21, 2005.

To the extent indicated herein, the petition is **DISMISSED AS MOOT**.

The above-identified application was filed on September 20, 2004, without an executed oath or declaration. John Byrne and David Chiappetta were identified as joint inventors. Accordingly, on October 21, 2004, the Office mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice)," requiring an executed oath or declaration and surcharge for its late filing. On November 15, 2004, applicants filed the initial petition, along with a declaration executed by joint inventor Byrne on behalf of himself and on behalf of non-signing inventor Chiappetta.

However, by decision mailed May 20, 2005, the petition was dismissed without consideration on the merits for failure to submit the full fees due. It is noted that the decision erred in stating that the deficiency was $335; the deficiency was only $135 (as the required petition fee is $200, not $400).

On instant renewed petition, petitioner submitted $335, along with a declaration executed by joint inventor Chiappetta.

The overpayment of $200 is being refunded by the Office of Finance pursuant to this decision.

Filing of a declaration by the previously non-signing inventor is a proper type of reply to the decision refusing status under § 1.47(a). Both the declaration filed November 15, 2004, and the declaration filed July 21, 2005, have been reviewed and found in compliance with § 1.63.

In view of the joinder of inventor Chiappetta, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application file is, thereby, being returned to the Office of Initial Patent Examination (OIPE) for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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NEW YORK NY 10112-4498

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OFFICE OF PETITIONS

In re Patent No. D516,118
Issued: February 28, 2006
Application No. 29/213,569
Filed: September 20, 2004
Attorney Docket Number: A36370-070013.0197

ON PETITION

This is a decision on the petition filed April 15, 2008,under 37 CFR 3.81(b)[1], to correct the assignee's name on the front of the Patent.

The petition is **GRANTED**.

Petitioner states that the failure to include the correct name of the assignee on the Fee(s) Transmittal form PTOL-85(b) filed September 9, 2005 was inadvertent. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct name of the 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.

A request for a certificate of correction was filed August 21, 2006 and was dismissed in a decision mailed March 4, 2008 since the request was not accompanied by a petition under 37 CFR 3.81.

---

[1] *See* Official Gazette of June 22, 2004

Office assignment records however, reflect that COLOP STEMPELERZEUGUNG SKOPEK GMBH & CO. KG, is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to issue.

The petition fee in the amount of $130.00 and the fee for the certificate of correction in the amount of $100.00 have been applied.

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 file is being referred to the Certificates of Correction Branch for issuance of a certificate of correction.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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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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OFFICE OF PETITIONS

In re Patent No. D,527,515	:	
Issue Date: September 5, 2006	:	
Application No. 29/213,586	:	NOTICE
Filed: September 20, 2004	:	
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 21, 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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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. D,521,717	:	
Issue Date: May 30, 2006	:	
Application No. 29/213,587	:	NOTICE
Filed: September 20, 2004	:	
Patentee(s): Sandra Choi, et. al.	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed August 21, 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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DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE WA 98101-1688

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OFFICE OF PETITIONS

In re Application of	:	
Phillip Phug, et al.	:	
Application No. 29/213,597	:	DECISION ON PETITION
Filed: September 20, 2004	:	
Attorney Docket No. 59259-103	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 2, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue on or before December 20, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed September 20, 2006. Accordingly, the date of abandonment of this application is December 21, 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 $800, (2) the petition fee of $1500; (3) a proper statement of unintentional delay; and (4) terminal disclaimer.

Telephone inquiries concerning this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Publishing Division for processing into a patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

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7 SOUTH BROADWAY
WHITE PLAINS NY 10601

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OFFICE OF PETITIONS

In re Application of
Silje Sandahli
Application No. :29/213,607
Filed: September 21, 2004
Attorney Docket Number: RR-571 DES

: NOTICE

This is a notice regarding your request filed on January 25, 2005, 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 large entity has been entered and made of record.

Inquiries regarding this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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LEVISOHN, BERGER & LANGSAM LLP
19TH FLOOR
805 THIRD AVENUE
NEW YORK, NY 10022

5/6/05

In re Application of
Daniel Freeman
Serial No.: 29/213,640
Filed: September 21, 2004
Attorney Docket No.: 6032.007.200

: 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 November 17, 2004, which set a three-month statutory period to submit the Issue Fee. As no response was received by February 17, 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 $65.00 will be refunded to applicant's Deposit Account 02-2105, 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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Fross, Zelnick, Lehrman & Zissu, PC
866 United Nations Plaza
New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D522,726	:	
Issue Date: June 13, 2006	:	
Application No. 29/213,681	:	NOTICE
Filed: September 20, 2004	:	
Attorney Docket No. JCHO 0418372	:	

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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350 FIFTH AVENUE
NEW YORK, NY 10118

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OFFICE OF PETITIONS

In re Application of :
Michael Gauselmann :
Application No. 29/213,725 : NOTICE
Filed: September 22, 2004 :
Attorney Docket No. PT/DES-GAUSELMANN

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 (571) 272-3201.

This file is being referred to Technology Center 2912 for examination in due course.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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PATENT COUNSEL CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

9/22/05

In re Application of
Mary C. Olsen
Serial No.: 29/213,797
Filed: September 23, 2004
Attorney Docket No.: 2077/D

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.181 filed August 10, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to timely respond to the Notice of Allowance mailed January 18, 2005. Applicant filed a Request for Continued Prosecution (RCE) on February 23, 2005; however, RCE's do not apply to design patent applications under 37 CFR 1.114. Therefore, the case was technically abandoned April 19, 2005; this petition followed.

Applicant has stated that as the Office did not properly inform him of which form to file, or that he was timely told that he had filed the incorrect form, that the error in abandonment was not his. However, it is clearly stated at the top of the RCE form that under 37 CFR 1.114, RCE's do not apply to design applications. Furthermore, the RCE request was not immediately forwarded to the Examiner, as the application was in Publications awaiting payment of the issue fee. This prevented the Examiner from notifying applicant as a courtesy prior to abandonment of the application. Therefore, as it is the responsibility for applicant to submit a timely and correct response, and a proper response was not received by April 18, 2005, the application was properly abandoned.

If applicant wishes to revive this application, then a petition under CFR 1.137(b) seeking revival of the above-identified application should be submitted to revive this application. 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 and fee, (3) by a full and complete response to the last Office action and (4) by a terminal disclaimer and fee therefor.

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 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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PATENT COUNSEL CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

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OFFICE OF PETITIONS

In re Application of	:	
Mary C. Olsen	:	
Application No. 29/213,797	:	DECISION ON PETITION
Filed: 22 November, 2005	:	
Atty Docket No. 2077/D	:	

This is a decision on the petition filed on 22 November, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 19 April, 2005, for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 18 January, 2005, which set a three (3) month shortened statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

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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)).

Since this application is revived for purposes of continuity only with the Continued Prosecution Application (CPA) filed on 22 November, 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 22 November, 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 22 November, 2005, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

Pursuant to 37 CFR 1.137(b)(1) 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. As such, the issue fee must be paid. As the CPA Request Transmittal filed with the present petition authorized the charging of all fees required under 37 CFR 1.18, the issue fee of $800.00[3] will be charged to counsel's deposit account, No. 50-1239.

The application is being referred to Technology Center 2900 for processing of the CPA filed on 22 November, 2005.

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

---

[2] 65 Fed. Reg. 54,674 (2000).

[3] See 37 CFR 1.18(b).

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DEC 0 2 2004

Levisohn, Berger & Langsam LLP
19th Floor
805 Third Avenue
New York NY 10022

In re Application of	:	
Peter Arbor et al	:	
Serial No.: 29/213,808	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: September 22, 2004	:	
For: Trash Receptacle	:	

This is in response to the Request for expedited examination applicant filed November 10, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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OCT 07 2004

Marshall A. Lerner, Esq.
Kleinberg & Lerner, LLP
Suite 1080
2049 Century Park East
Los Angeles CA 90067

In re Application of :
Teriatnikov :
Serial No.: 29/213,811 :
Filed: September 23, 2004 :
For: Portion of Shoe Upper :

REQUEST FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed September 24, 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

John E. Kittle
Director
Technology Center 3700/2900

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/869831	06/16/04	Griffin,Jason T	555255012265

David B. Cochran
Jones Day
901 Lakeside Ave
Cleveland OH 44114

Date Mailed: 10/07/04

NOTICE OF CORRECTED APPLICATION NUMBER

Through an administrative error, the above identified application number was assigned to your application. The correct application number is **29/213812**. Please refer to the new application number in all future correspondence to the Office.

All notices mailed in application 10/869831 have been vacated. An updated filing receipt for **29/213812** will be mailed in due course.

The Office regrets any inconvenience this has caused. Please direct any questions or inquiries to Customer Service at (703) 308-1202.

Velera Dillard
Office of Initial Patent Examination

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Copied from 10869831 on 10/20/2004

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STEVENS & SHOWALTER LLP
7019 CORPORATE WAY
DAYTON OH 45459-4238

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OFFICE OF PETITIONS

In re Application of	:	
Bergman et al.	:	
Application No. 29/213,857	:	ON PETITION
Filed: September 23, 2004	:	
Attorney Docket No. CRN 366 DA	:	

This is a decision on the petition filed August 16, 2005, requesting that the drawing submitted in the above-identified application be accorded a filing date of September 23, 2004, instead of the September 24, 2004.

Petitioners state that they deposited the above-identified application in Express Mail Post Office to Addresses service on September 23, 2004. Petitioners submitted a copy of Express Mail label No. ER613179009US, showing a "date-in" of September 23, 2004. The same Express Mail label number was placed on the original application papers located in the official file.

On January 14, 2005, the Office mailed a Filing Receipt to petitioners indicating that the Office had accorded the above-identified application a filing date of September 23, 2004. However, petitioners explain that PAIR showed the filing date for the drawings as September 24, 2004. Petitioners assert that they included the drawings with the application papers filed on September 23, 2004, via Express Mail. In support of this assertion, petitioners provided a copy of their returned, date-stamped postcard receipt itemizing the papers submitted on filing the present application. A review of the postcard receipt indicates that petitioners submitted five sheets of drawings on filing the application. Although the date-stamp on the postcard receipt shows a receipt date in the USPTO of September 24, 2004, petitioners have shown that they deposited the application in Express Mail service on September 23, 2004. Additionally, petitioners have demonstrated that the five sheets of drawings were filed on September 23, 2004.

Accordingly, the petition is granted. The Office has updated the record in the Image File Wrapper Database to indicate that the drawings submitted with the above-identified application were filed on September 23, 2004, and not on September 24, 2004.

In view of the above, the $400.00 petition fee is unnecessary and will be refunded to petitioner's Deposit Account.

Any inquiries related to this decision should 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

GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

In re Application of	:
Chen	: DECISION ON PETITION
Application No. 29/213,877	:
Filed: September 23, 2004	:
Docket No.: 1401-4051	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 26, 2006

The petition is hereby **GRANTED**.

This application became abandoned for failure to timely submit a proper reply to the Notice of Allowance (Notice) mailed April 17, 2006. Notice of Abandonment was mailed August 21, 2006.

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.

There is no indication that petitioner has submitted a Part B-Fee(s) Transmittal form (PTOL-85). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Fee(s) Transmittal form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

There is no indication in the record that practitioner herein has been empowered to represent applicant. Accordingly, all future correspondence concerning this application will be directed to the correspondence address of record until such time as appropriate instruction and documentation is submitted 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: THIELE,ALAN
Strasburger & Price, LLP
300 Convent Street, Suite 900
San Antonio, TX 78205

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WHYTE HIRSCHBOECK DUDEK SC
555 EAST WELLS STREET
SUITE 1900
MILWAUKEE WI 53202

COPY MAILED

MAR 26 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
John E. Tadych et al :
Application No. 29/213,878 :
Filed: September 23, 2004 :
Attorney Docket No. TAD-32179-A :

This is a decision on the petition, filed March 22, 2007, 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 March 8, 2007 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 March 22, 2007.

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

This matter is being referred to Technology Center AU 2911 for processing of the CPA.

Karen Creasy

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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LAW OFFICE OF L. JACK GIBNEY
8777 SAN JOSE BOULEVARD
SUITE 502
JACKSONVILLE, FL 32217

COPY MAILED

JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert J. Bremner	:	
Application No. 29/213,960	:	ON PETITION
Filed: September 27, 2004	:	
Attorney Docket No. 04-090-PT-ISC	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 21, 2006, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to submit drawings on or before April 12, 2006 as required by the Notice of Allowability mailed January 12, 2006. Accordingly, the date of abandonment of this application is April 13, 2006. A Notice of Abandonment was mailed on July 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of 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).

The terminal disclaimer is accepted and has been made of record.

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

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition.

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

John R. Benefiel
Suite 100 B
280 Daines Street
Birmingham, MI 48009

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OCT 0 2 2006
OFFICE OF PETITIONS

In re Application of

Timothy A. Williams : ON PETITION

Application No. 29/213,961

Filing Date: September 23, 2004

Attorney Docket No. WLL-102

This is a decision on the petition under 37 CFR §1.137(b), filed July 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 December 12, 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 13. 2006. A Notice of Abandonment was mailed on May 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 (09-06)
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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John R. Benefiel
Suite 100 B
280 Daines Street
Birmingham, MI 48009

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OFFICE OF PETITIONS

In re Application of

Timothy A. Williams

Application No. 29/213,961

Filed: September 23, 2004

Attorney Docket No. WII-102

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 13, 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 December 12, 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 13, 2006. A Notice of Abandonment was mailed on May 3, 2006. A petition under 37 CFR 1.137(b) was first filed on July 31, 2006, and dismissed by a decision mailed October 2, 2006.

The terminal disclaimer, filed October 13, 2006, is noted. The issue fee and Form PTOL-85B are noted as having been received on July 31, 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

OIPE JC
MAR 03 2005
PATENT & TRADEMARK OFFICE

IFW

PTO/SB/83 (09-04)
Approved for use through 11/30/2005. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	29/214001
Filing Date	9/24/2004
First Named Inventor	Sutherland
Art Unit	2913
Examiner Name	
Attorney Docket Number	112500-DP02

Approved 11/19/03
Jacqueline M. Stone, Director
Technology Center 1700

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☑ the attorneys/agents associated with Customer Number 27189

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: Termination of Attorney-Client relationship.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name	Heather Sutherland				
Address	651 Burnham Street				
City	El Cajon	State	California	Zip	92019
Country	United States				
Telephone	(619) 247-5243	Fax			

Signature	Gary Eastman		
Name	Gary L. Eastman	Registration No.	41,005
Date	February 28, 2004	Telephone No.	(619) 230-1144

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. 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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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

DEC 13 2004

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of :
Roslyn Yando :
Serial No.: 29/214,003 :
Filed: September 27, 2004 :
For: Light Fixture :

REQUEST FOR EXPEDITED EXAMINATION

This is in response to the Request for expedited examination applicant filed September 27, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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
www.uspto.gov

DEC 13 2004

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
Andrew Schonbek	:	
Serial No.: 29/214,004	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: September 27, 2004	:	
For: Light Fixture Trim	:	

This is in response to the Request for expedited examination applicant filed September 27, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

MAY 25 2005

In re Application of WADE. Serial Number: 29/214,047 Filed: September 28, 2004 For: TYPE FONT	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed March 2, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF LTD.
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH FLOOR
WASHINGTON, DC 20001-4597

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 Application of

McLeish, et al.

Application No. 29/214,096

Filed: September 28, 2004

Attorney Docket No. 102792-350/11404D4

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed August 8, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on April 15, 2006, after it was believed that no response was received to the non-final Office action mailed January 14, 2005. The non-final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed July 28, 2006, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that the response to the non-final Office action was filed on June 4, 2006. A copy of the response containing a certificate of transmission dated June 4, 2006, accompanied the petition. Mr. Andrew Parfomak signed the certificate of transmission. It is noted that a statement of personal knowledge from Mr. Parfomak regarding the transmission of the response did not accompany the petition, but a copy of a Auto-reply transmission sheet from the USPTO did accompany the petition whereby the USPTO acknowledged receipt of seven pages on June 4, 2006, in application 29/214,096.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

Deposit account 14-1263 will be charged $450.00 for the request for an extension of time within the second month that was not charged, but is necessary in order for the response of June 4, 2006, to be considered timely filed.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2900, GAU 2911, for further processing including entry of the copy of the amendment filed August 6, 2006.

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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GIFFORD KRASS SPRINKLE ANDERSON & CITKOWSKI PC
PO BOX 7021
TROY MI 48007-7021

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Special, et al.	:	
Application No. 29/214,132	:	ON PETITION
Filed: September 28, 2004	:	
Attorney Docket No. TRI-10017/16	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed May 31, 2007.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the Corrected Notice of Allowance mailed September 6, 2006. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned by operation of law on December 7, 2006. A Notice of Abandonment was mailed on June 7, 2007..

It is obvious from reviewing the file that the Office action was mailed to the incorrect address. The Office action should have been addressed to the address set forth in the Power of Attorney filed on May 12, 2006.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEMONT & BREYER, LLC
SUITE 250
100 COMMONS WAY
HOLMDEL NJ 07733

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JAN 2 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Pettit et al.	:	
Application No. 29/214,135	:	ON PETITION
Filed: September 28, 2004	:	
Attorney Docket No. 630-095US	:	

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 formal drawings in a timely manner in reply to the Notice of Allowability mailed May 18, 2005, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 19, 2005. A Notice of Abandonment was mailed on December 29, 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 fee are required to be submitted with a petition to revive. 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
Petitions Examiner
Office of Petitions

Enclosure: Terminal Disclaimer (PTO/SB/62)

---

[2] See MPEP 711.03(c)(III)(C) and (D).

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

DEMONT & BREYER, LLC
SUITE 250
100 COMMONS WAY
HOLMDEL NJ 07733

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AUG 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Pettit et al.	:	
Application No. 29/214,135	:	ON PETITION
Filed: September 28, 2004	:	
Attorney Docket No. 630-095US	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed February 17, 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) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions

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ONE N. PENNSYLVANIA STREET
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OFFICE OF PETITIONS

In re Application of :
Jerry L. Shilling et al :
Application No. 29/214,154 :
Filed: September 28, 2004 :
Attorney Docket No. 8278-0040-RIBBED :

ON PETITION

This is a decision on the petition, filed January 2, 2008 under 37 CFR 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 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 above-identified application became abandoned for failure to submit the Issue fee in a timely manner in reply to the Notice of Allowance mailed December 15, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 16, 2007.

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 lack(s) item(s) (4).

The petition does not satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (4) the terminal disclaimer was not received. However, the $130 terminal disclaimer fee was received with the petition on January 2, 2008. Accordingly, this petition can not be revive until the terminal disclaimer is received.

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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INDIANO VAUGHAN LLP
ONE N. PENNSYLVANIA STREET
SUITE 1300
INDIANAPOLIS, IN 46204

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AUG 27 2008

In re Application of	:	
Jerry L. Shilling et al	:	
Application No. 29/214,154	:	ON PETITION
Filed: September 28, 2004	:	
Attorney Docket No. 8278-0040 - RIBBED	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 13, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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

This matter is being referred to Technology Center AU 2915 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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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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OFFICE OF PETITIONS

In re Patent No. D,521,736	:	
Issue Date: May 30, 2006	:	
Application No. 29/214,186	:	NOTICE
Filed: September 29, 2004	:	
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 21, 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NEUSTEL LAW OFFICES, LTD.
2534 SOUTH UNIVERSITY DRIVE
SUITE 4
FARGO ND 58103

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OCT 23 2007

OFFICE OF PETITIONS

In re Application of	:	
Tim Adams	:	
Application No. 29/214,192	:	ON PETITION
Filed: September 28,2004	:	
Attorney Docket No. ADAM-002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed April 11, 2005, which set a period for reply of three (3) months. Accordingly, the application became abandoned on July 12, 2005. The Notice of Abandonment was mailed October 19, 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; and (3) an adequate statement of unintentional delay.

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

The application file is being referred to the Office of Publications for further processing.

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
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Mitchell, Silberberg & Knupp, LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064

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FEB 24 2005

OFFICE OF PETITIONS

In re Application of	:	
Stephanie Wai Man Shiu	:	
Application No. 29/214,228	:	NOTICE
Filed: September 29, 2004	:	
Attorney Docket No. 36797-23	:	

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 (571) 272-3201.

Sherry D. Brinkley
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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MITCHELL, SILBERBERG & KNUPP
11377 WEST OLYMPIC BOULEVARD
LOS ANGELES CA 90064

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JAN 21 2005

OFFICE OF PETITIONS

NOTICE

In re Application of :
Stephanie Wai Man Shiu :
Application No. 29/214,248 :
Filed: September 29, 2004 :
Attorney Docket No. 36797-24 :

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 no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

Inquiries related to this communication 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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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

US SURGICAL
A Division of Tyco Healthcare Group, LP
150 Glover Avenue
Norwalk, CT 06865

In re Application of	:	
COPLEY et al.	:	
Application No. 29/214,333	:	DECISION ON PETITION
Filed: September 30, 2004	:	TO WITHDRAW
Attorney Docket No. H-US-00104	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2006.

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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, application has been acquired by Integra LifeSciences, Corporation, does not meet any of the conditions set forth in 37 CFR 10.40.

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: Thomas Runk, Esq.
FULWIDER PATTON
Howard Hughes Center
6060 Center Drive, 10th Floor
Los Angeles, CA 90045

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JAN 1 9 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
John Hudson	
Application No.: 29/214,384	Group Art Unit: ~~2900~~ 2915
Filed: October 4, 2004	Examiner: ~~TO BE ASSIGNED~~ Rademaker
For: TYPE FONT	Attorney Docket No.: 013797.00488

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
2-10-05

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D18/24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 and 101/398 and 399. Examiner Charles Rademaker was consulted regarding this search. The patents and documents listed on the attached PTO-1449 (1 sheet) were found in the pre-examination search as described above. In accordance with the U. S. Patent and Trademark Office rules, we have not enclosed copies of the cited U. S. patents.

The subject matter of the instant application relates to a type font. Applicant submits that the type font claimed in the present application patentably distinguishes over the references because the claimed design is not anticipated by any of the attached references. The claimed design is also not obvious because, at a minimum, none of the references are basically the same as the claimed design. Accordingly, the appearance differences between the type font illustrated

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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 11 2005

In re Application of John Hudson Serial Number: 29/214,384 Filed: October 4, 2004 For: TYPE FONT	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed July 25, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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

SUNG I. OH, ESQ.
710 QUAIL VALLEY LANE
WEST COVINA, CA 91791

In re Application of
Jonathan Richard Fiello et al.
Application No. 29/214,405
Filed: September 30, 2004
Attorney Docket No.: 62239.10003

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed September 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(a)" or "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on January 18, 2005, for failure to timely respond to the Notice to File Missing Parts mailed November 17, 2004 and which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed August 19, 2005.

Petitioner asserts unavoidable delay in responding to the Notice to File Missing Parts because of non-receipt of the Notice.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) 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 § 1.17(l);
(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

This petition lacks items (3) above.

SHOWING OF UNAVOIDABLE DELAY

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[1]

The showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure or mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[2]

A review of the file reveals that the Notice to File Missing Parts was mailed to the

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[1] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

address of record on November 17, 2004 but that the Notice was returned by the US Postal Service on November 30, 2004 as undeliverable. Additionally, a review of the file reveals that the Notice of Abandonment mailed August 19, 2005 was mailed to the same address and was also returned by the US Postal Service on September 7, 2005.

Further, it is noted that the revocation and power of attorney as well as the instant petition both include a Quail Valley Lane address however, no such request for change of address was filed prior to the mailing of the Notices.

As petitioner has not presented any evidence that the address of record 801 S. Figueroa St., Los Angeles, CA 90017 had been changed with the USPTO at the time the Notice to File Missing Parts and the Notice of Abandonment were mailed, petitioner's failure to receive and respond to the "Notices" mailed resulted from a lack of diligence, and therefore does not constitute unavoidable delay. As well, petitioner has not provided any evidence to show that Figueroa Street was in fact a proper address and thus that the USPTO failed in the mailing or the USPS failed in the delivery of the Notices mailed.

The showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). As petitioner has presented no showing of unavoidable delay, the petition will be dismissed.

Finally, petitioner has authorized a debit from 50-3578 in the amount of $670.00 to cover the petition fee, late filing surcharge and fee for recordation of the assignment. Unfortunately, however, the deposit account provided is insufficient to cover all the fees. Apparently the account only had enough to debit $170.00 and thus this petition also lacks item (2) of the regulation. Please submit $500.00 for the petition fee with the renewed petition.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b)[3],

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[3]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

which now provides 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).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot 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).

It should be noted that if petitioner chooses to file a petition under the unintentional standard the fees due would be $1500.00 as well as the $500.00 due for the petition already considered under the unavoidable standard.

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
Senior Petitions Attorney
Office of Petitions

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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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JAN 13 2006

OFFICE OF PETITIONS

SUNG I. OH, PROFESSIONAL LAW CORPORATION
710 QUAIL VALLEY LANE
WEST COVINA CA 91791

In re Application of	:	
Jonathan Richard Fiello et al.	:	DECISION ON PETITION
Application No. 29/214,405	:	
Filed: September 30, 2004	:	
Attorney Docket No.: 62239.10003	:	

This is a decision on the petition under 37 CFR 1.137(b),[1] filed December 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 18, 2005, for failure to timely respond to the Notice to File Missing Parts mailed November 17, 2004 and which set a two (2) month period for reply. Accordingly, a Notice of Abandonment was mailed August 19, 2005. A petition to revive under 37 CFR 1.137(a) was filed September 29, 2005 but was dismissed in a decision mailed October 20, 2005.

Comes now the instant petition to revive under the unintentional standard.

The petition fee in the amount of $500 for the petition previously filed under 37 CFR 1.137(a) has been applied, as well as the petition fee in the amount of $1500 for the instant petition. Finally, the fee for the terminal disclaimer in the amount of $130.00 has been properly applied.

All other requirements having been met, this matter is being referred 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

---

[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©)).

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United States Patent and Trademark Office
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Paper No.

Richard D. Multer
Steven Sims, Inc.
301 West Business Park Loop
Shelton WA 98584

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OFFICE OF PETITIONS

In re Application of	:	
Sims et al.	:	DECISION ON
Application No. 29/214,408	:	PETITION
Filed: September 30, 2004	:	
Attorney Docket No. 2053-062	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed October 20, 2006.

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, September 7, 2005, of the Notice of Allowance. No extensions of time are permitted for submitting issue fees. In addition, applicant did not submit a substitute oath or declaration within the time frame required by the Notice of Allowability also mailed on September 7, 2005. A Notice of Abandonment was mailed on March 8, 2006.

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 and submission of a substitute declaration; payment of the petition fee; and the required statement of unintentional delay.

However, the instant petition does not satisfy requirement (4) above. No terminal disclaimer and fee were submitted with the instant petition. A properly completed terminal disclaimer and terminal disclaimer fee are required for revival of this design application.

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

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

By fax: (571) 273-8300
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
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Paper No.

Richard D. Multer
Steven Sims, Inc.
301 West Business Park Loop
Shelton WA 98584

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JUL 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Sims et al.	:	DECISION ON
Application No. 29/214,408	:	PETITION
Filed: September 30, 2004	:	
Attorney Docket No. 2053-062	:	

This is a decision on the RENEWED PETITION UNDER 37 CFR 1.137(b) filed April 5, 2007.

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, September 7, 2005, of the Notice of Allowance. No extensions of time are permitted for submitting issue fees. In addition, applicant did not submit a substitute oath or declaration within the time frame required by the Notice of Allowability also mailed on September 7, 2005. A Notice of Abandonment was mailed on March 8, 2006.

By decision mailed January 8, 2007, the initial PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed October 20, 2006 was dismissed. The petition failed to include the terminal disclaimer (and fee) required for revival of this design application. The decision set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a).

The instant petition was made timely by an accompanying petition for an extension of time for response within the first month

(and fee). On instant renewed petition, petitioner filed the required terminal disclaimer and fee. Petitioner previously submitted payment of the issue fee along with the requested substitute declaration. Petitioner has now met all requirements for reviving this application.

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, including processing of the substitute declaration submitted October 20, 2006 in response to the Notice of Allowability.

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
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SEP 21 2007

OFFICE OF PETITIONS

Richard D. Multer
Steven Sims, Inc.
301 West Business Park Loop
Shelton WA 98584

In re Application of Steven C. Sims Application No. 29/214,410 Filed: September 30, 2004 Attorney Docket Number: 2053-069 Title: ELASTOMERIC DERESONATOR	DECISION ON PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application, filed on April 23, 2007.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed November 19, 2004, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-

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.

identified application became abandoned on January 20, 2005. A notice of abandonment was mailed on August 10, 2005.

With the present petition, Petitioner has included an executed declaration, the fee associated with the late submission of the same, and an amendment.

Petitioner has met requirements (1) - (3) of Rule § 1.137(b).

Regarding the fourth requirement, Petitioner has not included the required terminal disclaimer and fee. 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[2], hand-delivery[3], or facsimile[4]. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web[5].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html

such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[6].

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

cc: RICHARD D. MULTER
PO BOX 1226
SHELTON, WA 98584

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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

Paper No. None

Richard D. Multer
Steven Sims, Inc.
301 West Business Park Loop
Shelton WA 98584

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JUL 08 2008

OFFICE OF PETITIONS

In re Application of	:	
Steven C. Sims	:	
Application No. 29/214,410	:	DECISION ON RENEWED PETITION
Filed: September 30, 2004	:	PURSUANT TO
Attorney Docket Number: 2053-069	:	37 C.F.R. § 1.137(B)
Title: ELASTOMERIC DERESONATOR	:	

This is a decision on the renewed petition filed on November 5, 2007 pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

This renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed November 19, 2004, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 20, 2005. A notice of abandonment was mailed on August 10, 2005.

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);

(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 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 filed on April 23, 2007, along with an executed declaration, the fee associated with the late submission of the same, and an amendment. The original petition was dismissed via the mailing of a decision on September 21, 2007, which indicated that requirements (1) - (3) of Rule § 1.137(b) had been satisfied. The fourth requirement had not been met, since the required terminal disclaimer and fee had not been included.

With this renewed petition, Petitioner has included the required terminal disclaimer and fee.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 14

DATE : November 17, 2006

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/214419 Patent No.: D523,126 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: _____

LOUIS S. ZARFAS
SUPERVISORY PATENT EXAMINER
GROUP 2900
SPE

2914
Art Unit

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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PROSKAUER ROSE LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

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AUG 28 2007

OFFICE OF PETITIONS

In re Application of :
Francis Thomas Cerullo et al :
Application No. 29/214,458 : DECISION ON PETITION
Filed: October 1, 2004 :
Attorney Docket No. 31161-010 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 2, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before February 28, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed November 28, 2006. A Notice of Abandonment was mailed on June 15, 2007, subsequent to the filing of the present petition to revive.

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 $400 issue fee, (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 Notice of November 28, 2006 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.

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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 3218.

This application is being referred to Publishing Division for further processing in accordance with this decision on petition.

Frances Hicks

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

8/19/05

PEARL COHEN ZEDEK LATZER, LLP
10 ROCKEFELLER PLAZA
SUITE 1001
NEW YORK, NY 10020

In re Application of
Olga Bellver Lopez
Serial No.: 29/214,474
Filed: October 5, 2004
Attorney Docket No.: D-0422-US

: PETITION DECISION

This is a decision on applicant's petition to revive patent application under 37 CFR 1.137(b), filed June 2, 2005, to revive an unintentionally abandoned application.

This application became abandoned for failure to respond to the Notice of Allowance mailed February 10, 2005, which set a three-month statutory period to submit the Issue Fee. As no response was received by May 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.

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
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P.O. Box 1450
Alexandria, VA 22313-1450
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STEVEN A. GARNER
CONAIR CORPORATION
ONE CUMMINGS POINT ROAD
STAMFORD CT 06902

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MAR 21 2006
OFFICE OF PETITIONS

In re Application of :
COPLAND :
Application No. 29/214,485 :
Filed: October 4, 2004 :
Attorney Docket No. 2076/D :

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 20, 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 March 23, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 24, 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; (2) the petition fee of $1500; (3) the required statement of unintentional delay; and (4) the terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d) have been received. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

Applicant has paid the issue fee and advance order copies in duplicate, totaling $815. A refund of $815 will be credited to petitioner's deposit account as authorized.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL D. GORNALL
REG'D PATENT + TM AGENT
1820-355 BURRARD ST.
VANCOUVER BC V6C 2G8 CA CANADA

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NOV 04 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Mark Vernon :
Application No. 29/214,491 :
Filed: October 5, 2004 :
Title of Invention: **CAMERA AND ILLUMINATOR HOUSING** :

This is a decision on the petition filed October 11, 2005, under 37 CFR 1.137(a)[1], to revive the above-identified application.

The petition 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 18, 2005 for failure to timely respond to the Notice to File Missing Parts mailed November 17, 2004. Accordingly, a Notice of Abandonment was mailed August 10, 2005.

The file record discloses that the Notice to File Missing Parts was mailed November 17, 2004 to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docketing system wherein receipt of the Notice to File Missing Parts would have been entered, had it been received, accompany the petition. The statement declaration and attachments corroborate non-receipt of the Notice of Allowance. However, the file does not reveal

---

[1]A grantable petition under 37 CFR 1.137(a) 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 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(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) 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©)).

that the petitioner is registered to practice before the Office. If a petition is signed by a person not registered to practice before the Office, the petition must indicate that the person signing the petition is the patentee, assignee, or other party in interest. An assignee must comply with the requirements of 37 CFR 3.73(b) which is discussed in MPEP § 324 and MPEP § 2590.

In view of the above, while it can be concluded that the Notice to File Missing Parts was never received, the petition is not grantable.

Petitioner must submit proof of the authority by which he files the instant petition. **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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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REG'D PATENT + TM AGENT
1820-355 BURRARD ST.
VANCOUVER BC V6C 2G8 CA CANADA

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JAN 19 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Mark Vernon
Application No. 29/214,491
Filed: October 5, 2004
Title of Invention: **CAMERA AND ILLUMINATOR HOUSING**

This is a decision on the renewed petition filed January 3, 2006, under 37 CFR 1.137(a)[1], to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned January 18, 2005 for failure to timely respond to the Notice to File Missing Parts mailed November 17, 2004. Accordingly, a Notice of Abandonment was mailed August 10, 2005. A petition filed October 11, 2005 was dismissed in a decision mailed November 4, 2005 because the petition was filed without evidence that the petitioner was a party in interest and without a statement pursuant to 37 CFR 3.73(b).

The file record discloses that the Notice to File Missing Parts was mailed November 17, 2004 to the address of record. However, petitioner contends that it was not received. In support of this contention, copies of pages from the docketing system wherein receipt of the Notice to File Missing Parts would have been entered, had it been received, accompany the petition. The statement declaration and attachments corroborate non-receipt of the Notice of Allowance.

In view of the above, it can be concluded that the Notice to File Missing Parts was never received and thus, the petition is grantable.

---

[1]A grantable petition under 37 CFR 1.137(a) 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 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(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) 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©)).

Additionally, on renewed petition, the President and Director of Extreme CCTV International Inc., the assignee, provides a statement under 37 CFR 3.73(b) and indicates that Paul D. Gornall, while not a registered agent or patent attorney, has the authority to act on behalf of the assignee.

All other requirements for revival having been met, 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

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

Attn: Gary K. Price
Bowers Harrison, LLP
25 N. W. Riverside Drive
P.O. Box 1287
Evansville IN 47706-1287

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APR 2 0 2006

OFFICE OF PETITIONS

In re Application of :
King :
Application No. 29/214,495 : ON PETITION
Filed: October 4, 2004 :
Attorney Docket No. 12781.001 :
For: GOLF DIVOT TOOL

This is a decision on the petition under 37 CFR 1.137(b), filed on February 3, 2006 (certificate of mailing date February 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.

The application became abandoned for failure to submit corrected formal drawings in response to the Notice of Allowability, mailed July 22, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on October 23, 2005. A Notice of Abandonment was mailed on December 29, 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 item (4).

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).

The statement of unintentional delay presented in the petition does not comply with the current rule. 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" be submitted. However, the statement presented will be accepted and 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 interpretation in view of the rules, petitioner is required to provide a statement to that effect.

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.

E. Shirene Willis

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
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Bowers Harrison, LLP
25 N. W. Riverside Drive
P.O. Box 1287
Evansville IN 47706-1287

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JUN 0 1 2006

OFFICE OF PETITIONS

In re Application of :
King :
Application No. 29/214,495 : ON PETITION
Filed: October 4, 2004 :
Attorney Docket No. 12781.001 :
For: GOLF DIVOT TOOL

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed on April 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** final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to submit corrected formal drawings in response to the Notice of Allowability, mailed July 22, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on October 23, 2005. A Notice of Abandonment was mailed on December 29, 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 item (4).

With respect to item (4) above, the terminal disclaimer submitted with the present petition is informal in nature and embedded within the petition. Please complete the enclosed form: Terminal Disclaimer to Accompany Petition and submit the $65.00 terminal 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 should be directed to the undersigned at (571) 272-3230.

Shirene Willis

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: blank form: Terminal Disclaimer to Accompany Petition

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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Attn: Gary K. Price
Bowers Harrison, LLP
25 N. W. Riverside Drive
P.O. Box 1287
Evansville IN 47706-1287

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JUL 27 2006

OFFICE OF PETITIONS

In re Application of	:	
King	:	
Application No. 29/214,495	:	ON PETITION
Filed: October 4, 2004	:	
Attorney Docket No. 12781.001	:	
For: GOLF DIVOT TOOL		

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed on June 7, 2006, to revive the above-identified application.

The application became abandoned for failure to submit corrected formal drawings in response to the Notice of Allowability, mailed July 22, 2005, which set a statutory period for reply of three (3) months. No reply was filed. Accordingly, the application became abandoned on October 23, 2005. A Notice of Abandonment was mailed on December 29, 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 July 22, 2005 Notice of Allowability, 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 should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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WILLIAM H. BOLLMAN
SUITE 700
2000 M STREET, NW
WASHINGTON, DC 20036

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FEB 22 2008

OFFICE OF PETITIONS

In re Application of
Angus Mark Ford-Robertson
Application No. 29/214,523
Filed: October 6, 2004
Attorney Docket No. 20-713

ON PETITION

This is a decision on the petition, filed October 19, 2007, to revive the above-identified application under 37 CFR 1.137(b).

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 a failure to reply in a timely manner to a non-final Office action mailed October 19, 2006. A Notice of Abandonment was mailed on May 18, 2007. In response, on October 19, 2007, the present petition was filed.

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)(II)(C) and (D).

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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.

The petition lacks item (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).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 700
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WASHINGTON, DC 20036

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APR 22 2008

OFFICE OF PETITIONS

In re Application of :
Angus Mark Ford-Robertson :
Application No. 29/214,523 : ON PETITION
Filed: October 6, 2004 :
Attorney Docket No. 20-713 :

This is a decision in response to the renewed petition, filed March 7, 2008, 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 October 19, 2006. A Notice of Abandonment was mailed on May 18, 2007. In response, on October 19, 2007, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed February 22, 2008. On March 7, 2008, the present petition was filed.

The petition now 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 filed March 7, 2008 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 2916 for further prosecution.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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WILLIAM H. BOLLMAN
SUITE 700
2000 M STREET, NW
WASHINGTON DC 20036

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APR 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Angus Mark Ford-Robertson	:	
Application Number: 29/214523	:	DECISION ON PETITION
Filing Date: 10/06/2004	:	
Attorney Docket Number: 20-713	:	
	:	

This is a decision on the petition filed on March 23, 2009, 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.

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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 December 12, 2008, for failure to timely submit a proper reply to the final Office action mailed on June 11, 2008, which set a three (3) month shortened statutory period for reply. On December 11, 2008, a three (3) month extension of time was filed, accompanied by a request for continued examination (RCE).

On February 2, 2009, a Notice of Improper Request for Continued Examination (RCE) was mailed, stating that the request for continued examination (RCE) under 37 CFR 1.114 was improper because continued examination under 37 CFR 1.114 does not apply to an application for a design patent.

On March 23, 2009, the subject petition to revive was filed, accompanied by a continued prosecution application (CPA).

The petition lacks a terminal disclaimer and fee as required by 37 CFR 1.137(c), which states that 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.

A copy of the terminal disclaimer form is enclosed for petitioner's use.

Receipt of the petition and CPA fees is acknowledged.

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.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/63

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JUN 29 2009

OFFICE OF PETITIONS

In re Application of :
Angus Mark Ford-Robertson :
Application Number: 29/214523 : DECISION ON PETITION
Filing Date: 10/06/2004 :
Attorney Docket Number: 20-713 :
:

This is a decision on the renewed petition filed on May 19, 2009, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 12, 2008, for failure to timely submit a proper reply to the final Office action mailed on June 11, 2008, which set a three (3) month shortened statutory period for reply. On December 11, 2008, a

[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)).

three (3) month extension of time was filed, accompanied by a request for continued examination (RCE).

On February 2, 2009, a Notice of Improper Request for Continued Examination (RCE) was mailed, stating that the request for continued examination (RCE) under 37 CFR 1.114 was improper because continued examination under 37 CFR 1.114 does not apply to an application for a design patent. On March 23, 2009, a petition under 37 CFR 1.137(b) was filed, accompanied by a continued prosecution application (CPA). On April 28, 2009, the petition was dismissed for lack of a terminal disclaimer.

On May 19, 2009, the subject renewed petition was filed, accompanied by a terminal disclaimer.

The terminal disclaimer filed on May 19, 2009, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 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 May 19, 2009, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is referred to Technology Center Art Unit 2916 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

---

[2] 65 Fed. Reg. 54,674 (2000).

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United States Patent and Trademark Office
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RANKIN, HILL, PORTER & CLARK, LLP
925 EUCLID AVENUE, SUITE 700
CLEVELAND, OH 44115-1405

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OCT 27 2006
OFFICE OF PETITIONS

In re Application of	:	
Richard Lewis	:	
Application No. 29/214,589	:	ON PETITION
Filed: October 6, 2004	:	
Attorney Docket No. AAT-15479	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on July 27, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed February 17, 2006. A Notice of Abandonment was mailed on June 30, 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 Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (4).

The Office acknowledges receipt of $1,500 for the instant petition, $800 for payment of the issue fee and one (1) sheet of replacement drawing containing Figures 1-5. However, a Terminal Disclaimer and the $130 Terminal Disclaimer fee is required under 37 CFR 1.137(d) 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. Therefore, this application cannot be revived until a Terminal Disclaimer and $130 fee have been submitted.

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), and be accompanied by the required Terminal Disclaimer and $130 fee." 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
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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) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CLEVELAND, OH 44115-1405

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JAN 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard Lewis	:	
Application No. 29/214,589	:	ON PETITION
Filed: October 6, 2004	:	
Attorney Docket No. AAT-15479	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 12, 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.

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).

The above-identified application became abandoned for failure to timely pay the issue fee on or before May 17, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed February 17,

2006. The Notice of Allowability mailed February 17, 2006 also required the submission of corrected replacement drawings.

The decision on petition under 37 CFR 1.137(b), mailed on July 27, 2006, acknowledged receipt of the $1,500 petition fee, the $800 issue fee payment, and one (1) sheet of replacement drawings containing Figures 1-5 but indicated that a terminal disclaimer as required by 37 CFR 1.137(d) had not been submitted.

The present renewed petition is accompanied by a terminal disclaimer (and fee of $130), which indicates that Richard Lewis is the owner of 100% interest in the above-identified application. However, a review of Office assignment records discloses that Richard Lewis, in an assignment submitted on the date of filing of this application, assigned his entire right, title, and interest to Carclo Technical Plastics (Slough) Limited, a corporation of the United Kingdom. Accordingly, the terminal disclaimer is not acceptable since Office records fail to disclose that Richard Lewis is the owner of 100% interest of this application.

Further, while petitioner herein has been prosecuting the application, the file record fails to disclose he was ever given a formal power of attorney. A terminal disclaimer must be signed by an attorney of record. Accordingly, an appropriate power of attorney must be submitted if the terminal disclaimer is signed by a registered practitioner. If signed by an assignee, compliance with 37 CFR 3.73(b) must be satisfied.

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) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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CLEVELAND, OH 44115-1405

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SEP 14 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard Lewis	:	
Application No. 29/214,589	:	DECISION ON PETITION
Filed: October 6, 2004	:	
Attorney Docket No. AAT-15479	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 17, 2007, 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 above-identified application became abandoned for failure to timely pay the issue fee on or before May 17, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed February 17, 2006. The Notice of Allowability mailed February 17, 2006 also required the submission of corrected replacement drawings.

The decision on petition under 37 CFR 1.137(b), mailed on July 27, 2006, acknowledged receipt of the $1,500 petition fee, the $800 issue fee payment, and one (1) sheet of replacement drawings containing Figures 1-5 but indicated that a terminal disclaimer as required by 37 CFR 1.137(d) had not been submitted. The renewed petition filed on December 12, 2006 was dismissed on January 17, 2007 since an acceptable terminal disclaimer had not been submitted. The present renewed petition is accompanied by a four (4) month extension of time fee, and a terminal disclaimer. On July 18, 2007, the Office received a power of attorney and a

statement under 37 CFR 3.73(b) by the Managing Director of the assignee, Carclo Technical Plastics (Slough) Limited.

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).

The terminal disclaimer is still not acceptable, because the Office improperly accepted the power of attorney on July 24, 2007 since the power of attorney document itself is not signed. Accordingly, as the terminal disclaimer must be signed by an attorney of record (*see* 37 CFR 1.321(b)), the petition cannot be granted at this time.

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
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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) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 28 2008

OFFICE OF PETITIONS

In re Application of :
Richard Lewis :
Application No. 29/214,589 :
Filed: October 6, 2004 :
Attorney Docket No. AAT-15479 :

ON PETITION

This is a decision on the Renewed petition under 37 CFR 1.137(b), filed February 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fees and corrected drawings in a timely manner in reply to the Notice of Allowance and Fee(s) Due and the Notice of Allowability mailed February 17, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on May 18, 2006.

The petition decision mailed September 14, 2007 dismissed the petition filed July 17, 2007 noting that the requirements of 37 CFR 1.137(b)(4) was lacking. The terminal disclaimer was not acceptable as the power of attorney was unsigned and thus the terminal disclaimer was not properly signed.

The instant renewed petition includes a signed power of attorney and thus the terminal disclaimer filed July 17, 2007 is acceptable.

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 and corrected drawings; (2) the petition fee of $1,500; (3) the required statement of unintentional delay; and (4) the terminal disclaimer and fee required by 37 CFR 1.137(d) have been received. Accordingly, the Issue Fee payment and corrected drawings are accepted as having been unintentionally delayed.

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

The application file is being referred to the Office of Data Management.

Carl Friedman
Petitions Examiner
Office of Petitions

OIPE JC11
DEC 21 2004
PATENT & TRADEMARK OFFICE

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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Sean M. MCDOWELL	)	Group Art Unit: TBA
Serial No.: 29/214,612	)	Examiner: TBA
Filed: October 7, 2004	)	Attorney Docket No.: 015127.00373
For: PORTION OF A SHOE UPPER	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, 972, 973 and 974. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. Scott Fisher, of the design team, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter

12/23/2004 HALI11 00000050 190733 29214612
01 FC:1464 130.00 DA

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

COPY MAILED
AUG 17 2006
OFFICE OF PETITIONS

BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

In re Application of	:	
Julian Giggs, et al.	:	
Application No. 29/214,625	:	ON PETITION
Filed: October 7, 2004	:	
Attorney Docket No. 13336-31	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 27, 2006, to revive the above-identified application.

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 present petition lacks item (4).

Accordingly, 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.

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) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO, ONTARIO M5H 3Y2
CANADA

COPY MAILED
DEC 29 2006
OFFICE OF PETITIONS

In re Application of Julian Giggs, et al. Application No. 29/214,625 Filed: October 7, 2004 Attorney Docket No. 13336-31	: : : : :	ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b) to revive the above-identified application, filed October 16, 2006.

The petition, as supplemented, is found to be in compliance with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

The terminal disclaimer filed October 16, 2006 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 March 27, 2006.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-30-07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: D 533460 5 (29/214638

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.

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:

_____

_____

_____

_____

_____

_____ SPE _____ Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1-30-07

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction on Patent No.: 533460 5 (29/214638

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.

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:

STELLA REID
SUPERVISORY DESIGN EXAMINER
SPE

2912
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 23, 2007

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/214639 Patent No.: D529395 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: _____

STELLA REID
SUPERVISORY DESIGN EXAMINER
SPE

2912
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

DAVID A. CASIMIR
MEDLEN & CARROLL
101 HOWARD STREET, SUITE 350
SAN FRANCISCO, CA 94105

COPY MAILED

APR 25 2007

OFFICE OF PETITIONS

In re Application of	:	
Adam Simha	:	
Application No. 29/214,641	:	ON PETITION
Filed: October 6, 2004	:	
Attorney Docket No. MKS-09642	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 10, 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** 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).

---

[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.

A terminal disclaimer is required for all design applications when filing a petition under 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
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

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

MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO CA 94105

COPY MAILED

JAN 10 2008

OFFICE OF PETITIONS

In re Application of	:	
Adam Simha	:	
Application No. 29/214,641	:	DECISION GRANTING PETITION
Filed: October 6, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. MKS-09642	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 18, 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 replacement drawings and terminal disclaimer; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowability of June 27, 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 June 18, 2007.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

In re Application of	:	
YIN, HAO MAI	:	
Application No. 29/214657	:	**DECISION ON PETITION**
Filed: August 5, 2004	:	
Attorney Docket No.	:	

This is a decision on the Petition Under 37 C.F.R 1.181, received in the United States Patent & Trademark Office (USPTO) on June 26, 2006 which is being treated as a Petition to Withdraw Holding of Abandonment under 37 C.F.R. 1.18.

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 (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely file a proper reply to the Office letter mailed November 30, 2005 regarding the correction of formal drawings.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

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 Ext. 164.

Kendrick Sprull
Office of the Director
Office of Patent Publications

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA CA 95050

In re Application of	:	
Yin, Hao Mai et al	:	**DECISION ON PETITION**
Application No. 29/214,657	:	
Filed: 10/05/2004	:	
Attorney Docket No.	:	

November 7, 2008

This is a decision on the Request for Reconsideration of Decision of Petition under 37CFR 1.81, received in the United States Patent and Trademark Office (USPTO) February 12, 2008.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file corrected drawings as required by the Notice of Allowability, mailed November 30, 2005 which set forth a three (3) month statutory period for reply. The Notice of Abandonment was mailed on April 24, 2006.

In the Petition to Withdraw Holding of Abandonment received on June 26, 2006, petitioner states that the corrected drawings were submitted on February 14, 2006. Petitioner submitted a copy of the original submission, a copy of a post card receipt identifying the present application and a copy of a Certified Mail receipt showing a submission was sent to the Attention of the Official Draftsmen dated February 14th.

The evidence submitted when considered together supports the petitioners assertion that the drawings were timely filed in this application.

In view of the foregoing, the holding of abandonment for failure to timely submit corrected drawings is hereby withdrawn and the application is restored to pending status.

The application will be forwarded to the Publications Branch for processing.

Telephone inquires relating to this matter may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

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

Beyer Weaver & Thomas LLP
P. O. Box 70250
Oakland, CA 94612-0250

COPY MAILED

APR 29 2005

OFFICE OF PETITIONS

In re Application of	:	
Torence Lu, et al.	:	
Application No. 29/214,683	:	DECISION GRANTING
Filed: October 6, 2004	:	PETITION
Attorney Docket No. CISCD014/9739	:	

This is a decision on the petition filed March 17, 2005, requesting that the above-identified application be accorded a filing date of October 6, 2004, rather than the presently accorded date of October 5, 2004. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **GRANTED**.

Applicant requests the later filing date on the basis that the application was purportedly deposited with Express Mail Service on October 6, 2004 pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt no. EV334018065US bears a handwritten "date-in" of October 5, 2004, petitioner has provided a copy of the results of a search conducted on the U. S. Postal Service (USPS)' Express Mail Track and Confirm database which shows that the package in question was deposited at the USPS on October 6, 2004. Applicants are alleging that the date of mailing shown in the "date-in" is a USPS error and the correct date of mailing pursuant to 37 CFR 1.10 is October 6, 2004.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "date-in" on the Express Mail label, MPEP 513. However, in view of the incorrect "date-in" on the label, the USPS' Express Mail Track and Confirm database confirms that the package bearing Express Mail label No. EV334018065US was accepted on October 6, 2004.

This application file is being returned to the Office of Initial Patent Examination Division for **correction of the filing date to October 6, 2004.** Thereafter, the application file will be forwarded to Technology Center 2900 for examination in due course.

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

Marianne E. Jenkins

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

OIPE JC112
DEC 2 1 2004
PATENT & TRADEMARK OFFICE

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Marni GERBER	)	Group Art Unit: TBA 2913
	)	
Serial No.: 29/214,693	)	Examiner: TBA Undocketed
	)	
Filed: October 8, 2004	)	Attorney Docket No.: 015127.00374
	)	

For: PORTION OF A SHOE UPPER

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

12/23/2004 MAHMED1 00000016 190733 29214693
01 FC:1464 130.00 DA

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, 972, 973, 974, 975 and 977. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. Scott Fisher, of the design team, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein.

erkins,

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OIPE JC106
JAN 21 2005
PATENT & TRADEMARK OFFICE

In re Application of:	)	
Clifford B. Gerber	)	
Application No.: 29/214,698	)	Group Art Unit: ~~TBA~~ 2913
Filed: October 8, 2004	)	Examiner: TBA Undocketed
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00388

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window, Mail Stop Design
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2, 896, 897, 898, 899, 902, 907, 908, 943, 944, 946, 969, 972, 973, 974, 975, and 977. For this search, the searcher consulted with Examiner Dominic Simone of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd. under the direction of Scott Fisher, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination

01/25/2005 LWONDIM1 00000111 190733 29214698
01 FC:1464 130.00 DA

OIPE
JAN 19 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Aaron A. C. Cooper	)	
Serial No.: 29/214,699	)	Group Art Unit: 2913
Filed: October 8, 2004	)	Examiner: D. Simone
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00359

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d) AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700
FEB 23 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D2 in the following subclasses: 896, 902, 907, 908, 943, 946, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The

01/24/2005 FFANAIA2 00000006 190733 29214699
01 FC:1464 130.00 DA

OIPE JC99
JAN 06 2005
TRADEMARK OFFICE

FILE COPY IFW

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Leo CHANG	)	Group Art Unit: ~~2900~~ 2913
Serial No.: 29/214,700	)	Examiner: ~~D. Simone~~ Undocketed
Filed: October 8, 2004	)	Attorney Docket No.: 015127.00392
For: PORTION OF A SHOE UPPER	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, and 972. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. Scott Fisher, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein.

01/07/2005 AADOF01 00000112 190733 29214700
01 FC:1464 130.00 DA

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. D 519547
Patented: April 25, 2006

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Jeya K. Kumar, Coppell, TX
Hongwei Sun, Coppell, TX
Eric L. Johnson, Lake Dallas, TX
Rogelio Cabello, Dallas, TX
Walter K. Logan, Lewisville, TX
John H. Hassard, Flower Mound, TX
Robert E. Thomas, Jr., Flower Mound, TX
Marwan M. Azhari, Euless, TX
Dennis E. Hauser, Red Oak, TX
Jason D. Dunn, Garland, TX
Kenneth T. Lovelady, Flower Mound, TX
James H. Wicker, Weatherford, TX
James C Yarrington, Grand Praire, TX
Evan D. Samuel, III, Fort Worth, TX
Mark Schneider
Anthony Orchard

Ian Simmons
Supervisory Patent Examiner
Art Unit 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

NOV 23 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Schambra et al.	:	
Serial No.: 29/214,720	:	DECISION ON PETITION
Filed: October 7, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on October 7, 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

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

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE,, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

COPY MAILED

APR 2 4 2007

OFFICE OF PETITIONS

In re Application of :
Hermann Thaler :
Application No. 29/214,741 : DECISION ON PETITION
Filed:October 8, 2004 :
Attorney Docket No.66374-159-7 :

This is a decision on the petition under 37 CFR 1.55(a)(2), filed January 3, 2007, 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 323 and pay the required fee of $100.

Any questions concerning this decision should be directed to the undersigned at (571) 272-3208. 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 Publishing Division for processing into a patent.

Karen Creasy

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

JJGJR.: 08-07

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OFFICE OF PETITIONS

KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

In re Application of	:	
Walsh	:	DECISION
Application No.: 29/214,745	:	
Filing Date: 7 October, 2004	:	
Attorney Docket No. 82272A	:	

This is a decision on the petition filed on 2 October, 2006, to withdraw the holding of abandonment and considered under 37 C.F.R. §1.181.

The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

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 non-final Office action mailed on 6 February, 2006, with reply due absent extension of time on or before 6 May, 2006;

[1] **NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

- the application went abandoned by operation of law after midnight 6 May, 2006;
- the Office mailed the Notice of Abandonment on 6 September, 2006;
- on 2 October, 2006, Petitioner filed the instant petition, made a statement as to the events of submission, and provided in support thereof, *inter alia*, a copy of the paper submitted (over a 6 June, 2006, Certificate of Mailing) as a reply (entitled with the possibly improvident designation of "Letter," rather than, for example, "Amendment"), with a date-stamped (9 June, 2006) receipt card (see: MPEP §503[2]) evidencing receipt thereof by the Office following a timely submission under 37 C.F.R. §1.8, and a request and fee (which was charged) for an extension of time to make the submission timely.

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)); and those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations

---

[2] 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.)

made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[3]

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).[4]

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[3] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Specifically, the regulations at 37 C.F.R. §10.18 provide:

§ 10.18 Signature and certificate for correspondence filed in the Patent and Trademark Office.
(a) For all documents filed in the Office in patent, trademark, and other non-patent matters, except for correspondence that is required to be signed by the applicant or party, each piece of correspondence filed by a practitioner in the Patent and Trademark Office must bear a signature by such practitioner complying with the provisions of §1.4(d), §1.4(e), or § 2.193(c)(1) of this chapter.
(b) By presenting to the Office (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—
(1) All statements made therein of the party's own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the Patent and Trademark Office, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. 1001, and that violations of this paragraph may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom; and
(2) To the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, that —
(i) The paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of prosecution before the Office;
(ii) The claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
(iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
(iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.
(c) Violations of paragraph (b)(1) of this section by a practitioner or non-practitioner may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom. Violations of any of paragraphs (b)(2)(i) through (iv) of this section are, after notice and reasonable opportunity to respond, subject to such sanctions as deemed appropriate by the Commissioner, or the Commissioner's designee, which may include, but are not limited to, any combination of —
(1) Holding certain facts to have been established;
(2) Returning papers;
(3) Precluding a party from filing a paper, or presenting or contesting an issue;
(4) Imposing a monetary sanction;
(5) Requiring a terminal disclaimer for the period of the delay; or
(6) Terminating the proceedings in the Patent and Trademark Office.
(d) Any practitioner violating the provisions of this section may also be subject to disciplinary action. See § 10.23(c)(15).
[Added 50 FR 5175, Feb. 6, 1985, effective Mar. 8, 1985; para. (a) revised, 58 FR 54494, Oct. 22, 1993, effective Nov. 22, 1993; paras. (a) & (b) revised, paras. (c) & (d) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (a) revised, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]

[4] 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

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.[5]

Delays in responding properly raise the question whether delays are unavoidable.[6] 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).[7]

And the Petitioner must be diligent in attending to the matter.[8] 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.[9]))

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.[10]

Further, the commentary at MPEP §711.03(c) provides:

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regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[5] 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.

[6] 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).

[7] See: In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989).

[8] 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.

[9] 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.

[10] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

* * *

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 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.
>
> * * *

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears, therefore, to have satisfied the requirements described above.

CONCLUSION

Because Petitioner has satisfied the burdens set forth in Delgar v. Schulyer, the petition to withdraw the holding of abandonment as considered under 37 C.F.R. §1.181 is **granted**; and the 6 September, 2006, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center 2900 for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[11]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[11] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Walsh
Application No. 29/214,749
Filed: October 7, 2004
Title: Nantucket Pendant

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 28, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned May 7, 2006 for failure to timely reply to the non-final Office Action mailed on February 6, 2006. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed September 6, 2006.

Petitioner asserts that a reply to the non-final Office Action and a one month extension of time were timely submitted on June 8, 2006 (certificate of mailing June 6, 2006). As evidence, petitioner has submitted a copy of the reply and a stamped postcard receipt. The reply also contains a certificate of mailing dated June 6, 2006 pursuant to 37 CFR 1.8. The post card receipt serves as prima facie evidence that a reply to the Office Action was received in the Office on June 8, 2006.

The response submitted on June 8, 2006 has been located in the Office.

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

The application file is being forwarded to Art Unit 2914 for further review of the reply.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SOUTHBOROUGH MA 01772

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OFFICE OF PETITIONS

In re Application of
Walsh
Application No. 29/214,750
Filed: October 7, 2004
Title: Martha's Vineyard Pendant

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed September 29, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned May 7, 2006 for failure to timely reply to the non-final Office Action mailed on February 6, 2006. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed September 22, 2006.

Petitioner asserts that a reply to the non-final Office Action and a one month extension of time were timely submitted on June 8, 2006 (certificate of mailing June 6, 2006). As evidence, petitioner has submitted a copy of the reply and a stamped postcard receipt. The reply also contains a certificate of mailing dated June 6, 2006 pursuant to 37 CFR 1.8. The post card receipt serves as prima facie evidence that a reply to the Office Action was received in the Office on June 8, 2006.

The response submitted on June 8, 2006 has been located in the Office.

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

The application file is being forwarded to Art Unit 2914 for further review of the reply.

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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NOV 17 2004
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Paul Caron et al.	)	
Serial No.: 29/214,775	)	Group Art Unit: 2900 2913
Filed: October 12, 2004	)	Examiner: Dominic Simone
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00369

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, located at Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, and 972. Patent Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Ms. Elizabeth Koch, a design assistant with the firm, through a collection of patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO/SB/08a and PTO/SB/08b forms (2 sheets total), copies of which are enclosed,

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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Leonard Wozniak	)	
Serial No.: 29/214,776	)	Group Art Unit: 2900 2914
Filed: October 12, 2004	)	Examiner: Unknown
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00370

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 910, 943, 944, 969, 970, 972, 973 and 974. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The

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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Susan D. Cessor	)	
Serial No.: 29/214,777	)	Group Art Unit: 2900 2914
Filed: October 12, 2004	)	Examiner: Unknown
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00365

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 943, 944, 969, 972, 973 and 974. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and

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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Bo Lupo	)	
Serial No.: 29/214,778	)	Group Art Unit: 2900 2914
Filed: October 12, 2004	)	Examiner: Unknown
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00371

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 943, 944, 969, 972, 973 and 974. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and

11/24/2004 DENMANU1 00000010 190733 29217778
01 FC:1464 130.00 DA
Adjustment date: 11/26/2004 DENMANU1
11/24/2004 DENMANU1 00000010 190733 29217778
01 FC:1464 130.00 CR
11/26/2004 DENMANU1 00000001 190733 29214778
01 FC:1464 130.00 DA

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

COPY MAILED

APR 12 2005

OFFICE OF PETITIONS

GOLDSTEIN LAW OFFICES PC
2071 CLOVE RD
STATEN ISLAND NY 10304

In re Application of	:	
Michael Caldwell	:	
Application No. 29/214,829	:	DECISION ON PETITION
Filed: October 8, 2004	:	
Attorney Docket No. G883	:	

This is a decision on the "PETITION", filed November 29, 2004, which is being treated as a petition under 37 CFR 1.53 to accord the above-identified application a filing date of October 8, 2004, with Figures 4 - 7 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on October 8, 2004. However, on November 19, 2004, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a Nonprovisional Application." Applicant was notified that the application papers had been accorded a filing date; however, Figures 4 - 7 of the drawings appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of Figures 4 - 7. Applicant maintains that the application as originally filed included Figures 4 - 7. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "4 drawing sheets" as enclosed, bearing a United States Patent and Trademark Office date-stamp of October 8, 2004, and lacking any notation of non-receipt of any item listed.

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.

Given the basis for granting the petition, the $130 petition fee will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 8, 2004, using the application papers received in the Office on that date and Figures 4 - 7 of the drawings as resupplied on petition filed November 29, 2004, and for indication in office records that four (4) sheets of drawings were present on filing.

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

Cliff Congo
Petitions Attorney
Office of Petitions

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

Bert P. Krages II
Suite 200
6665 S.W. Hampton Street
Portland, OR 97223

COPY MAILED

SEP 29 2005

OFFICE OF PETITIONS

In re Application of

Heather Lynn Schmitt

Application No. 29/214,859

Filed: October 12, 2004

Attorney Docket No. HS001

DECISION ON

PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 25, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned on June 9, 2005, for failure to file timely new corrected drawings as required by the Notice of Allowability mailed March 8, 2005. The aforementioned notice set forth a three (3) month statutory period for reply. No reply was received within the allowable period. A Notice of Abandonment was mailed on August 17, 2005.

The new corrected drawings, filed August 25, 2005, are noted.

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

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

Kevin Redmond
6960 SW Gator Trail
Palm City, FL 34990

COPY MAILED

SEP 2 8 2005

OFFICE OF PETITIONS

In re Application of:
John Huff
Application No. 29/214,863
Filed: October 12, 2004
Attorney Docket No. 0418A

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), August 23, 2005, to revive the above-identified application.

The 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 Due and to file corrected drawings as required by the Notice of Allowability (the "Notices") both mailed January 18, 2005. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on April 19, 2005.

The issue fee and drawings was received on August 23, 2005. The terminal disclaimer filed August 23, 2005, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **March 21,2008**

TO SPE OF : ART UNIT **2912**

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/214,873** Patent No.: **D532192 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: Drawings (figs.1 and 2) filed August 31, 2007 are the correct drawing disclosure.

STELLA M. REID
SUPERVISORY PATENT EXAMINER
SPE

2912
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
DIW Jan-07

DANIEL J. KENNEDY
13 BAYSHORE DRIVE
BAY CITY MI 48706

COPY MAILED

JAN 09 2007

OFFICE OF PETITIONS

In re Application of	:	
Daniel James Kennedy	:	DECISION ON PETITION TO
Application No. 29/214,877	:	WITHDRAW HOLDING OF
Filed: 10/12/2004	:	ABANDONMENT
For: OOPS MAT	:	

This is a decision in reference to the papers filed on 14 November, 2005, which are treated as a petition to withdraw the holding of abandonment in the above-identified application.

The Office apologizes for the delay in responding to the present petition.

The petition is **GRANTED**.

The application was held abandoned on 26 March, 2005, for failure to respond to the Office action in accordance with *Ex parte Quayle*[1] mailed on 25 January, 2005, which set a two (2) month shortened statutory period for reply. Notice of Abandonment was mailed on 28 October, 2005.

Petitioners assert that a timely reply to the Office action was filed.

Upon review, it is noted that the reply filed on 10 March, 2005, has been located and associated with the above-identified file. As such, it is obvious that a response was timely filed, but was not associated with the correct application due to Office error. In this respect, it is noted that applicant included a Design Patent Application Transmittal with the response, and the response was assigned a new application number. Nevertheless, as the declaration filed with the response includes the above-identified application number, it is concluded that there is

[1] 1935 C.D. 11; 453 O.G. 213.

sufficient information to associate the reply filed on 10 March, 2005, with the present application.[2] As such, there is no abandonment in fact. The Office regrets the error.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

As the examiner has determined that the papers filed on 10 March, 2005, constitute a proper reply to the Office action mailed on 25 January, 2005, the petition may be favorably considered.

The application is referred to Technology Center Art Unit 2915 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] For example, under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

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

CURTIS L HARRINGTON
SUITE 250
6300 STATE UNIVERSITY DRIVE
LONG BEACH, CA 90815

10/14/05

In re Application of
Pat Y. Mah
Serial No.: 29/214,881
Filed: October 8, 2004
Attorney Docket No.: MAH-49

: PETITION DECISION

This is a decision on applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 received August 24, 2005, due to non-response to the Office action.

This application became abandoned for failure to respond to the Office action mailed January 11, 2005, which set a two-month shortened statutory period to respond. As no response was received by March 11, 2005, a Notice of Abandonment was mailed August 22, 2005; this petition followed.

Applicant has submitted copies of the response, which includes a Certificate of Mailing date of January 21, 2005 and a post card receipt. Therefore, as the response was timely submitted, the case will be returned to pending status.

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

OIPE JC177
JAN 1 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker HATFIELD	)	Group Art Unit: ~~2900~~ 2913
Serial No.: 29/214,909	)	Examiner: ~~D. Simone~~ Undocketed
Filed: October 13, 2004	)	Attorney Docket No.: 015127.00387
For: PORTION OF A SHOE UPPER	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 930, 931, 943, 946, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein.

OIPE JC71
JAN 13 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker HATFIELD	)	Group Art Unit: ~~2900~~ 2912
Serial No.: 29/214,910	)	Examiner: D. Simone
Filed: October 13, 2004	)	Attorney Docket No.: 015127.00386
For: PORTION OF A SHOE UPPER	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 946, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein.

01/19/2005 DEMMANU1 00000063 190733 29214910
01 FC:1464 130.00 DA

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

MAY 25 2005

In re Application of HATFIELD. Serial Number: 29/214,911 Filed: October 13, 2004 For: PORTION OF A SHOE UPPER	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed January 13, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

OIPE JC146
Per 1 3 2005
PATENT & TRADEMARK OFFICE

FILE COPY
IFW

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker HATFIELD	)	Group Art Unit: ~~2900~~ 2913
Serial No.: 29/214,912	)	Examiner: ~~D. Simone~~ Undocketed
Filed: October 13, 2004	)	Attorney Docket No.: 015127.00379
For: PORTION OF A SHOE UPPER	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 915, 943, 946, 966, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Mr. William Ray, through a collection of patents pertaining to shoes and documents assembled from various files of the Assignee of the invention. The patents and documents listed on the attached PTO/SB/08A, copies of which are enclosed, were found in the pre-examination search and within related files of the Assignee, as described above. The attached patents and documents are deemed most closely related to the subject matter encompassed by the claim of the present design application and are relevant for the appearance of the articles contained therein.

01/14/2005 SSITHIB1 00000044 29214912
01 FC:1464 130.00 DA

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

June 21, 2006

FILE COPY

Patent No. : D,519,852 S
Ser. No. : 29/214916
Inventor(s) : Roden
Issued : May 2, 2006
Title : **WRISTWATCH**
Docket No. : Q83079

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.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110 or (703) 308-8309

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

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

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

COPY MAILED

MAY 21 2007

OFFICE OF PETITIONS

Patent No. D519,852	:	
Issued: May 2, 2006	:	
Application No. 29/214,916	:	DECISION ON PETITION
Filed: October 13, 2004	:	
Attorney Docket No. Q83079	:	

This is a decision on the request under 37 CFR 3.81(b), filed January 19, 2007, to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is Daniel Roth et Gerald Genta Haute and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee.

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 Daniel Roth et Gerald Genta Haute is the assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3230. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

OIPE JC184
JAN 1 9 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Scott Portzline	)	
Application No.: 29/214,919	)	Group Art Unit: ~~2900~~ 2913
Filed: October 13, 2004	)	Examiner: TO BE ASSIGNED
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00385

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, 972, 973 and 974. For this search, the searcher consulted with Examiner Dominic Simone of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Bill Ray, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination search and within related files of the assignee, as described above. In accordance with the U. S. Patent and Trademark Office rules, we have not

1/24/2005 EABUBAK1 00000139 190733 29214919
1 FC:1464 130.00 DA

OIPE JC26
JAN 0 7 2005
PATENT & TRADEMARK OFFICE

FILE COPY
DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Clifford B. Gerber	)	
Application No.: 29/214,922	)	Group Art Unit: ~~TBA~~ 2914
Filed: October 13, 2004	)	Examiner: TBA Murphy, C
For: **PORTION OF A SHOE OUTSOLE**	)	Attorney Docket No.: 015127.00390

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

FEB 1 8 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window, Mail Stop Design
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2, 896, 897, 898, 899, 903, 907, 908, 942, 946, 947, 948, 949, 951, and 952. For this search, the searcher consulted with Examiner Celia Murphy of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd. under the direction of Scott Fisher, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination search

01/10/2005 LWONDIM1 00000125 190733 29214922
01 FC:1464 130.00 DA

OIPE JC25
JAN 1 0 2005
PATENT & TRADEMARK OFFICE

FILE COPY

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Kelly Smith O'Connor	)	
Serial No.: 29/214,923	)	Group Art Unit: ~~2900~~ 2913
Filed: October 13, 2004	)	Examiner: Unknown Undocketed
For: **PORTION OF A SHOE**	)	Attorney Docket No.: 015127.00364

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

01/12/2005 BABRAHA1 00000022 190733 29214923
01 FC:1464 130.00 DA

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 943, 946, 951, 964, 969, 972, 973 and 977. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Ms. Elizabeth Koch, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets), copies of which are enclosed,

OIPE JC87
DEC 22 2004
PATENT & TRADEMARK OFFICE

FILE COPY
DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Kelly Smith O'Connor	)	
Serial No.: 29/214,924	)	Group Art Unit: 2900
Filed: October 13, 2004	)	Examiner: Unknown
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00363

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 943, 946, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Ms. Elizabeth Koch, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and

12/27/2004 MBEYENE1 00000021 190733 29214924
01 FC:1464 130.00 DA

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/4/08

Paper No.: —

TO SPE OF : ART UNIT 2912

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/214924 Patent No: D511243S

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**.

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

VIRGINIA TOLBERT
Certificates of Correction Branch
703-308-9390 ext. 113

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 M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912
Art Unit

FILE COPY

DESIGN

OIPE JC67
DEC 22 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Kelly Smith O'Connor	)	
Serial No.: 29/214,925	)	Group Art Unit: 2900 2912
Filed: October 13, 2004	)	Examiner: Unknown Simone D
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00362

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700

FEB 18 2005

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 404, 2111 Eisenhower Avenue, Alexandria, VA 22314. The search was conducted in the following classes and subclasses: D02/896, 902, 907, 908, 943, 946, 969, 972 and 973. Primary Examiner Dominic Simone of Group 2900 was consulted for the searches at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Ms. Elizabeth Koch, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and

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01 FC:1464 130.00 DA

OIPE JC177
JAN 1 9 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
HoDung Sung	)	
Application No.: 29/214,926	)	Group Art Unit: 2912
Filed: October 13, 2004	)	Examiner: D. Simone
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00394

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 1 8 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, 972, 973 and 974. For this search, the searcher consulted with Examiner Dominic Simone of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Sara Oetinger, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (3 sheets) were found in the pre-examination search and within related files of the assignee, as described above. In accordance with the U. S. Patent and Trademark Office rules, we have

01/24/2005 KWOLDGE1 00000036 190733 29214926
01 FC:1464 130.00 DA

OIPE JC95
JAN 19 2005
PATENT & TRADEMARK OFFICE

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
William Young	)	
Application No.: 29/214,927	)	Group Art Unit: 2912
Filed: October 13, 2004	)	Examiner: D. Simone
For: **PORTION OF A SHOE UPPER**	)	Attorney Docket No.: 015127.00391

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700
FEB 23 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 946, 969, 972, 973 and 974. For this search, the searcher consulted with Examiner Dominic Simone of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Sara Oetinger, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (4 sheets) were found in the pre-examination search and within related files of the assignee, as described above. In accordance with the U. S. Patent and Trademark Office rules, we have

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01 FC:1464 130.00 DA

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

ALBIHNS STOCKHOLM AB
Linnegatan 2
BOX 5581
SE-114 85 Stockholm SWEDEN

COPY MAILED

SEP 12 2006

OFFICE OF PETITIONS

In re Application of	:	
CHARLEZ	:	
Application No. 29/214,933	:	DECISION ON PETITION
Filed: October 13, 2004	:	TO WITHDRAW
Attorney Docket No. M11696	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29, 2006.

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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Leaving the employ of Customer No. 26288", do not meet any of the conditions set forth in 37 CFR 10.40.

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 Patricia Volpe at 571-272-6825.

David Bucel
Petitions Examiner
Office of Petitions

2111.71642 **BEST AVAILABLE COPY**

DESIGN PATENT

OIPE IAP46
DEC 2 2 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application:	)	*I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450 on this date.*
Applicant: Deckers Outdoor Corporation	)	
Serial No.: 29/214,937	)	12/20/05 *Date* — *Attorney for Applicant(s)* Rebecca L. Uryga *Registration No. 53,713*
Filed: October 12, 2004	)	
For: PORTION OF AN ARTICLE OF FOOTWEAR	)	
Art Unit: ~~2913~~ 2912	)	
Examiner: Unassigned Deshmukh	)	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §1.102, Applicant, through its undersigned Attorney, herewith submits a Petition to Make Special Based on Actual Infringement. Applicant further submits the statement required under §1.102, and the $130.00 fee required under §1.17(h).

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By: Rebecca L. Uryga
Rebecca L. Uryga
Reg. No. 53,713

12/23/2005 SSESHE1 00000022 29214937
01 FC:1464 130.00 OP

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700
JAN 1 8 2006

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

CROSSLEY PATENT LAW
400 SOUTH THIRD STREET
MONTROSE CO 81401

COPY MAILED
SEP 12 2006
OFFICE OF PETITIONS

In re Application of
Glover
Application No. 29/215,024
Filed: October 14, 2004
Attorney Docket No. 04-08-05.1DA
For: FISHING DEVICE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 25, 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 June 8, 2005, which set a three month period for reply. This application became abandoned on September 9, 2005. A Notice of Abandonment was mailed on March 17, 2006.

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; 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) above, petitioner has not submitted a completed Part B- Fee Transmittal. As stated on the Notice of Allowance and Fee(s) Due, a PTOL-85B or an equivalent must be returned.

With respect to (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.

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

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

CROSSLEY PATENT LAW
400 SOUTH THIRD STREET
MONTROSE CO 81401

COPY MAILED
DEC 0 1 2006
OFFICE OF PETITIONS

In re Application of Glover Application No. 29/215,024 Filed: October 14, 2004 Attorney Docket No. 04-08-05.1DA For: FISHING DEVICE	: : : : :	ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed September 22, 2006, 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 June 8, 2005, which set a three month period for reply. This application became abandoned on September 9, 2005. A Notice of Abandonment was mailed on March 17, 2006.

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 June 8, 2005 Notice of 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 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
www.uspto.gov

JOHN C. MCMAHON
P.O. BOX 30069
KANSAS CITY, MO 64112

COPY MAILED

DEC 1 8 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Rudder, John L.	:	
Application No. 29/215,034	:	
Filed: October 10, 2006	:	
Attorney Docket No. 10,476	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 10, 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). Although petitioner stated in the petition that a terminal disclaimer was not believed to be required, a petition under 37 CFR 1.137(b) submitted in a design application must be accompanied by a terminal disclaimer and fee. Accordingly, since the instant application is a design application, the terminal disclaimer and fee are required for revival. A blank form in enclosed for petitioner's convenience.

---

[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).

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.

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 C. MCMAHON
PO BOX 30069
KANSAS CITY, MO 64112

COPY MAILED

MAY 0 8 2007

OFFICE OF PETITIONS

In re Application of	:	
Rudder, John L.	:	
Application No. 29/215,034	:	ON PETITION
Filed: October 13, 2004	:	
Title: TOOL HANDLE	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 30, 2007, to revive the above-identified application.

The petition is **GRANTED.**

Petitioner has now submitted with omitted Terminal Disclaimer and fee.

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) 272-3206.

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

DEC 13 2004

SYLMARK, INC.
4929 WILSHIRE BLVD
SUITE 500
LOS ANGELES CA 90010

In re Application of	:	
Robert Johnson	:	
Serial No.: 29/215,051	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: October 12, 2004	:	
For: Orthotic with Insert	:	

This is in response to the Request for expedited examination applicant filed November 22, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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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McGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

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APR 19 2006
OFFICE OF PETITIONS

In re Application of :
Karl-Friedrich Scheufele :
Application No. 29/215,073 :
Filed: October 13, 2004 :
Attorney Docket No. 71566 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 15, 2006, to withdraw the holding of abandonment. Please note, the instant petition was erroneously mislabeled as serial number 10/215,073.

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 July 18, 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 above-identified application became abandoned on September 19, 2005. A Notice of Abandonment was mailed on February 3, 2006.

Petitioner asserts that an amendment was timely submitted by USPS Express Mail on September 19, 2005 (September 18, 2005 falling on a Sunday). In support, the petition is accompanied by a copy of applicants' postcard receipt that acknowledges receipt of "Amendment or reply to official communication" and "Formal Drawings 5 sheets" on September 19, 2005

Additionally it is noted, that the copy of the September 19, 2005 amendment, submitted February 15, 2005, indicates that the submission erroneously listed the serial number as **10**/215,073 and not **29**/215,073.

Please note MPEP 502:

> "A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which

> they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions."

Accordingly, the petition is granted and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 2900, for review of the amendment, filed February 15, 2006 (originally filed September 19, 2005).

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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866 United Nations Plaza
New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D518,959	:	
Issue Date: April 18, 2006	:	
Application No. 29/215,079	:	NOTICE
Filed: October 13, 2004	:	
Attorney Docket No. JCHO 0421515	:	

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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Alexandria, VA 22313-1450
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WEINGARTEN, SCHURGIN, GAGNEBIN
& LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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OFFICE OF PETITIONS

In re Application of	:	
Minoru Sube	:	DECISION GRANTING
Application No. 29/215,120	:	PETITION
Filed: October 13, 2004	:	
Attorney Docket No. AK-477XX	:	

This is a decision on the petition under 37 CFR 1.10(d), filed January 19, 2005, requesting that the above-identified design application be accorded a filing date of October 13, 2004, rather than the presently accorded filing date of October 14, 2004.

The petition is **GRANTED**.

Applicants request the earlier filing date on the basis that the design application was purportedly deposited in Express Mail service (Express Mail mailing label #EV223344486US) on October 13, 2004, pursuant to the requirements of 37 CFR 1.10. However, the Express Mail mailing label identified in the original application papers indicates a "date-in" of October 14, 2004. Applicants allege that the date of mailing indicated by the Express Mail mailing label is a U.S. Postal Service (USPS) error and the correct date of mailing is October 13, 2004.

In support, petitioners have submitted a copy of the "USPS Track & Confirm Shipment Details" for Express Mail Label #EV223344486US, which indicates the item was, in fact, placed into USPS Express Mail service on October 13, 2004.

In view of the evidence present in the file, it is concluded that the "date-in" indicated on the Express Mail mailing label is incorrect and that the correct date of deposit in Express Mail service is October 13, 2004.

Accordingly, the application is entitled to a filing date of October 13, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of October 13, 2004, and the issuance of a corrected filing receipt.

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

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

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RALPH A. DOWELL OF DOWELL &
DOWELL P.C.
2111 EISENHOWER AVENUE
SUITE 406
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:
David Eli Miller et al	:
Application No. 29/215,146	: DECISION GRANTING PETITION
Filed: October 15, 2004	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 14853DES	:

This is a decision on the petition under 37 CFR 1.137(b), filed June 2, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of May 3, 2005, 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.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MOTOROLA, INC.
INTELLECTUAL PROPERTY SECTION
LAW DEPARTMENT
8000 WEST SUNRISE BOULEVARD
FT. LAUDERDALE, FL 33322

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DEC 14 2005

OFFICE OF PETITIONS

In re Application of :
Lan-Ting Liu :
Application No. 29/215,164 :DECISION ON PETITION
Filed: October 14, 2004 :
Attorney Docket No. CMO7255K :

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 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.

This design application became abandoned for failure to timely pay the $800 issue fee on or before July 5, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 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)) as 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 item (4).

A terminal disclaimer and fee are required as a condition for reviving a design application. Accordingly, this application will not be revived until such time as an appropriate terminal disclaimer and fee have been received.

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

Frances Hicks
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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P.O. Box 1450
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INTELLECTUAL PROPERTY SECTION
LAW DEPARTMENT
8000 WEST SUNRISE BOULEVARD
FT. LAUDERDALE, FL 33322

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OFFICE OF PETITIONS

In re Application of	:	
Lan-Ting Liu	:	
Application No. 29/215,164	:	DECISION ON PETITION
Filed: October 14, 2004	:	
Attorney Docket No. CMO7255K	:	

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

The petition is **GRANTED**.

This design application became abandoned for failure to timely pay the $800 issue fee on or before July 5, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed April 4, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply (payment of the $800 issue fee); (2) the petition fee of $1,500; (3) the required statement of unintentional delay; and (4) a terminal disclaimer (and fee of $130) as required by 37 CFR 1.137(d) have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The terminal disclaimer has been accepted.

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

This matter is being referred to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb9\215164.wpd

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866 United Nations Plaza
New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D513,860 :
Issue Date: January 31, 2006 :
Application No. 29/215,178 :
Filed: October 13, 2004 :
Attorney Docket No. JCHO 0421511 :

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 no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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866 United Nations Plaza
New York NY 10017

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OFFICE OF PETITIONS

In re Patent No. D517,293 :
Issue Date: March 21, 2006 :
Application No. 29/215,179 : NOTICE
Filed: October 13, 2004 :
Attorney Docket No. JCHO 0420543 :

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

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON, MD 21286

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OFFICE OF PETITIONS

In re Application of
Mark A. Etter, et. al.
Application No. 29/215,188
Filed: October 14, 2004
Attorney Docket No. JK01453

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on March 12, 2007, to revive the above-identified application. The delay in responding is regretted.

The application became abandoned for failure to timely pay the issue fee and to submit corrected drawings. 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. *See* MPEP 711.03(c)(III)(A)(1). Therefore, the filing of a continuing application is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1). In view of the authorization contained in the Continued Prosecution Application (CPA), filed on March 12, 2007 to charge any additional fees due, the $800 issue fee will be charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $800 for payment of the issue fee, a terminal disclaimer with the $130 fee, and a CPA with fees; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the above application is again abandoned in favor of CPA.

Petitioner is advised that the issue fee paid on March 12, 2007 is not refundable nor can it be applied towards any new Notice of Allowance which may issue on the CPA filed March 12, 2007.

The terminal disclaimer under 37 CFR 1.137(d), filed March 12, 2007, has been accepted 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. A copy of this decision should be attached to the cover letter.

Since the Request for Continued Examination (RCE) filed on August 30, 2006 was improper, the $790 fee will be refunded to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2913 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wilson W. Smith, III

Serial No.: To be assigned 29/215203

Filed: To be assigned

For: PORTION OF A MIDSOLE OF A SHOE

Examiner: To be assigned

Group Art Unit: 2900

Attorney Docket No.: 2465-6551.1US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828209US

Date of Deposit with USPS: 15 OCT. 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

10/20/2004 NHGUYEN1 00000055 29215203
02 FC:1460 130.00 OP

PETITION GRANTED

Richard Crispino
Richard Crispino
Special Program Examiner
TC 1700 MAR - 9 2005

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

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OFFICE OF PETITIONS

In re Application of
Paolo Andriolo
Application No. 29/215,223
Filed: October 4, 2004
Attorney Docket No. 3088-6624US

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed May 4, 2005, requesting that the above-identified application be accorded a filing date of October 4, 2004, instead of the presently accorded date of October 6, 2004.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 4, 2004. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EL608642894US. The same Express Mail receipt number was referred to in the original transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 4, 2004.

The petition is **GRANTED**.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **October 4, 2004** and for issuance of a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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NOV 17 2004

CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328

In re Application of	:	
Catherine Brookshire-Herron	:	
Serial No.: 29/215,225	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: October 15, 2004	:	
For: Scoreline Pattern For Golf Club	:	
Head	:	

This is in response to the Request for expedited examination applicant filed October 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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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
29/215,257	10/15/2004	2913	240	011064.0209PDUS	5	1	1

CONFIRMATION NO. 1251

UPDATED FILING RECEIPT

OC000000014899635

24283
PATTON BOGGS
1660 LINCOLN ST
SUITE 2050
DENVER, CO 80264

Date Mailed: 01/06/2005

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)

Jerold Bruce Balzer, San Francisco, CA;

Power of Attorney: The patent practitioners associated with Customer Number **24283**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/23/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/215,257

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Children's activity set

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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HUSCH & EPPENBERGER LLC
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS, MO 63105-3441

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OFFICE OF PETITIONS

In re Patent No. D-520,298	:	
Issue Date: May 9, 2006	:	
Application No. 29/215,261	:	ON PETITION
Filed: October 15, 2004	:	
Attorney Docket No. 67129-013	:	

This is a decision on the petition, filed May 25, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the front page of the Letters Patent.

The request is **DISMISSED**.

Petitioner states that the correct spelling of the assignee's name is --Star Manufacturing International, Inc.--, and not "Stat Manufacturing International, Inc.," as was provided on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. The request indicates that, upon granting of the request to correct the assignee's name, a Certificate of Correction will be requested.

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 [emphasis added].

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). *See also* MPEP 1481.01. As petitioner

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

has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

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 40l 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

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

NOV 23 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Matthew Najeeb Rask	:	
Serial No.: 29/215,269	:	DECISION ON PETITION
Filed: October 15, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on October 15, 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

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

ROBERT K. TENDLER
65 ATLANTIC AVENUE
BOSTON, MA 02110

COPY MAILED

APR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Steven A. Landau	:	DECISION ON PETITION
Application No. 29/215,311	:	TO WITHDRAW
Filed: October 18, 2004	:	FROM RECORD
Attorney Docket No. KASL-109	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 28, 2005, resubmitted on June 30, 2005 and September 22, 2005.

The request is **APPROVED**.

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

The request was signed by Robert K. Tendler, an attorney of record.

Robert K. Tendler has been withdrawn as attorney of record.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

This application is being referred to Publishing Division.

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

for

David Bucci
Petitions Examiner
Office of Petitions

cc: KASL ENTERPRISES, INC.
801 ARCH ST. RM. 415
PHILADELPHIA, PA 19107

29-215-312

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-26-05

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D505033

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

Monyma
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 title "Head Rest With Mirror" cannot be changed to read "E-Z EYE DROPPER" for 2 reasons:

1. There is no basis in the original disclosure to make this change, and

2. "E-Z EYE DROPPER" does not identify the article as it is generally known and used by the public MPEP 1503.01

SPE

2910
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

ROBERT W. J. USHER
PATENT AGENT
1133 BROADWAY, #1515
NEW YORK NY 10010

COPY MAILED

JAN 21 2005

OFFICE OF PETITIONS

In re Application of	:	
William G. Hones	:	
Application No. 29/215,334	:	DECISION GRANTING PETITION
Filed: October 18, 2004	:	
Attorney Docket No. 1560	:	

This is a decision on the petition filed January 11, 2005, requesting that the above-identified application be accorded a filing date of October 18, 2004.

On October 18, 2004, applicant deposited the above-identified application. On January 6, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without a specification, including at least one claim, and that the filing date would be the date of receipt of the omitted item.

In response, on January 11, 2005, applicants filed the present petition, a one page copy of the specification with a single claim, and a copy of applicant's postcard receipt acknowledging receipt a specification and claim.

Upon review of the record, the specification (including one claim), deposited on October 18, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 18, 2004, included a one page of specification with one claim, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the one page of specification and one claim, was complete on filing and will be granted a filing date of October 18, 2004.

Accordingly, the petition is granted.

The requirement to submit a specification (including at least one claim) set forth in the Notice of January 6, 2005, was sent in error and is hereby vacated. Thus, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of October 8, 2004**, using the one page of specification and one claim submitted with the petition on January 11, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
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 W. J. USHER
PATENT AGENT
1133 BROADWAY, #1515
NEW YORK NY 10010

COPY MAILED

JAN 26 2005

OFFICE OF PETITIONS

In re Application of	:
William G. Hones	: **CORRECTED**
Application No. 29/215,334	: **DECISION GRANTING PETITION**
Filed: October 18, 2004	:
Attorney Docket No. 1560	:

This is a decision on the petition filed January 11, 2005, requesting that the above-identified application be accorded a filing date of October 18, 2004.

On October 18, 2004, applicant deposited the above-identified application. On January 6, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without a specification, including at least one claim, and that the filing date would be the date of receipt of the omitted item.

In response, on January 11, 2005, applicants filed the present petition, a one page copy of the specification with a single claim, and a copy of applicant's postcard receipt acknowledging receipt a specification and claim.

Upon review of the record, the specification (including one claim), deposited on October 18, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 18, 2004, included a one page of specification with one claim, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the one page of specification and one claim, was complete on filing and will be granted a filing date of October 18, 2004.

Accordingly, the petition is granted.

The requirement to submit a specification (including at least one claim) set forth in the Notice of January 6, 2005, was sent in error and is hereby vacated. Thus, no petition fee is necessary.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of October 18, 2004, using the one page of specification and one claim submitted with the petition on January 11, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

1703 746 6603

ATTENTION: MS STOKES OIPE

4 Pages Total.

URGENT

Commissioner of Patents
PO BOX 1450
Alexandria
VA 22313-1450

Docket:1560

In re Patent Application 29/215,334
Filed: 10/18/2004
For: Formicarium

REQUEST FOR FILING DATE
DECISION GRANTING PETITION FOR FILING DATE

Sir:

Following the telephone conversation between the undersigned and Ms Stokes earlier today, enclosed is a true copy of a paper attested by signature of the Petitions Examiner C. T. Donnell to be the decision entered on the PALM SYSTEM on January 26, 2005, directing that a filing date of October 18, 2005 be accorded, (correcting a clerical error in an earlier decision).

The undersigned understood from the telephone conversation that the filing date would be accorded on receipt of this copy of the decision.

The cooperation of Ms Stokes in expediting the procedure in response the requirement for a certified copy of the application to be obtained and filed in Alicante, Spain by February 4, 2005, is appreciated.

Respectfully submitted,

Robert W.J. Usher
(Regn 30923) 212 633 1076
Agent For Applicant
PAYOR 004518

The undersigned confirms that this paper is being transmitted by facsimile to Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on 27 Jan 2005

Robert W. J. Usher 27 January 2005

Best Available Copy

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 W. J. USHER
PATENT AGENT
1133 BROADWAY, #1515
NEW YORK NY 10010

Decision mailed on 01/26/05 as indicated in PALM records
CTD
Christina Tartaglia Donnell, Petitions Attorney 01/27/05

In re Application of
William G. Hones
Application No. 29/215,334
Filed: October 18, 2004
Attorney Docket No. 1560

CORRECTED DECISION GRANTING PETITION

This is a decision on the petition filed January 11, 2005, requesting that the above-identified application be accorded a filing date of October 18, 2004.

On October 18, 2004, applicant deposited the above-identified application. On January 6, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without a specification, including at least one claim, and that the filing date would be the date of receipt of the omitted item.

In response, on January 11, 2005, applicants filed the present petition, a one page copy of the specification with a single claim, and a copy of applicant's postcard receipt acknowledging receipt a specification and claim.

Upon review of the record, the specification (including one claim), deposited on October 18, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 18, 2004, included a one page of specification with one claim, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the one page of specification and one claim, was complete on filing and will be granted a filing date of October 18, 2004.

Accordingly, the petition is granted.

Best Available Copy

The requirement to submit a specification (including at least one claim) set forth in the Notice of January 6, 2005, was sent in error and is hereby vacated. Thus, no petition fee is necessary.

The Office of Initial Patent Examination is directed to accord the above-identified application a filing date of October 18, 2004, using the one page of specification and one claim submitted with the petition on January 11, 2005, and to mail a corrected filing receipt.

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

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

Best Available Copy

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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FACSIMILE TRANSMISSION

DATE: 01/27/05

TO: Robert Usher
(NAME)

2126338527
(FACSIMILE NUMBER)

(ORGANIZATION)

(TELEPHONE NUMBER)

SENDER: Christina T. Donnell, Petitions Attorney
(NAME)

TOTAL NUMBER OF PAGES 3 (INCLUDING THIS COVER PAGE)

NOTE: The facsimile number shown on this cover is for **informal/courtesy copies ONLY!!!!** If you have not received all pages or you have any questions about this transmission, please contact the **OFFICE OF PETITIONS** as follows:

DIRECT TELEPHONE NO.: 571-272-3282 **FACSIMILE NO. 571-273-0025**

BRIEF MESSAGE:

Enclosed is a copy of the corrected decision mailed to you on 01/26/05 as indicated in PALM records.
Christina

IFW

OIPE JC85
JUN 30 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,350	Art Unit:	2911
Filing Date:	10/18/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-103		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2005.

By: _____
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

OIPE JC65
JUN 3 0 2005
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,351	Art Unit:	2911
Filing Date:	10/18/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-105		

BEST AVAILABLE COPY

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 24, 2005

By: _____
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

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

DEC 19 2007

OFFICE OF PETITIONS

In re Application of :
JOHN L. SIGMUND :
Application No. 29/215,362 :
Filed: October 18, 2004 :
Attorney Docket No. D0932-00453 :

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 16, 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 and to submit corrected formal drawings on or before July 6, 2005, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed April 6, 2005, which Notices were returned to the Office. Accordingly, the date of abandonment of this application is July 7, 2005. A Notice of Abandonment was mailed on May 25, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $800 issue fee and 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 Notices of April 6, 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 the Office of Data Management for further processing in accordance with this decision reviving the application.

Frances Hicks
Petitions Examiner
Office of Petitions

OIPE JC65
JUN 30 2005
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,371	Art Unit:	2911
Filing Date:	10/18/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-107		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 29, 2005

By: _____
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

OIPE JC85
JUN 3 0 2005
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,372	Art Unit:	2911
Filing Date:	10/18/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-110		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2005

By: [signature]
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

OIPE JC85
JUN 3 0 2005
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,373	Art Unit:	2911
Filing Date:	10/18/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-108		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2005

By: _____
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

stat-30

PATENT
Status 30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott Portzline

Serial No.: To be assigned 29/215385

Filed: To be assigned 10-18-04

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simonè

Group Art Unit: 2900 — 2912

Attorney Docket No.: 2465-6560US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828226US

Date of Deposit with USPS: October 18, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

10/22/2004 HTECKLU1 00000014 29215385
01 FC:1460 130.00 OP

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 APR 12 2005

OIPE JC50
OCT 1 8 2004
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl Andreas Jonsson

Serial No.: To be assigned 29/215393

Filed: To be assigned 10-18-04

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simone

Group Art Unit: 2900 ~2912

Attorney Docket No.: 2465-6563US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994842378US

Date of Deposit with USPS: October 18, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

10/22/2004 HTECKLU1 00000022 29215393
01 FC:1460 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
www.uspto.gov

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AUG 30 2006

OFFICE OF PETITIONS

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

CANCELLED

COPY MAILED

AUG 29 2006

OFFICE OF PETITIONS

In re Application of	:	
Richard Simon Corker	:	
Application No. 29/215,404	:	ON PETITION
Filed: October 19, 2004	:	
Attorney Docket No.: CD474	:	

This is a decision on the petition filed June 26, 2006, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

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

The application was held abandoned on September 7, 2005, for failure to timely submit corrected drawings in response to the Notice of Allowability mailed June 3, 2005, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed December 29, 2005.

Petitioner asserts that the Notice of Allowability was never received and further that the Examiner of Record, in a telephone conversation, advised that no drawings were required and that the box indicating that drawings were required was checked in error. Additionally, petitioner argues a follow-up telephone conversation from a USPTO administrator advised that the Notice of Abandonment was sent in error and would be rescinded.

A review of the file and a telephone conversation with a USPTO administrator from Technology Center 2912 reveals that the Notice of Allowability requiring corrected formal drawings was in error, that form PTOL-37 incorrectly checked the box for corrected drawings. In view thereof, the Notice of Abandonment is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred 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

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

DEC 02 2004

KELLY BAUERSFELD LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

In re Application of	:	
Erwin Cheldin	:	
Serial No. 29/215,426	:	DECISION ON PETITION
Filed: October 18, 2004	:	
Title: Letter Opener and Stapler Remover	:	

This is in response to applicants' petition filed October 18, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

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

NOV 23 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Wilson W. Smith, III	:	
Serial No.: 29/215,430	:	DECISION ON PETITION
Filed: October 18, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on October 18, 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

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

PATRICK S. DOLAN
1901 NW UPSHUR
PORTLAND OR 97209

COPY MAILED

DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Dolan, Patrick S.	:	
Application No. 29/215,432	:	ON PETITION
Filed: October 18, 2004	:	
Title: Table Lamp	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 12, 2005, 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; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4) the terminal disclaimer with requisite fee. Accordingly, the response has been accepted as having been unintentionally delayed.

The instant application has also been accorded large entity status.

The file does not indicate a change of address has been submitted, although the address given on the petition differs slightly from the address of record. If appropriate, a request to change the address of record should be filed. 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 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

Cc: PATRICK S. DOLAN
2700 NW FRONT AVE
PORTLAND, OR 97210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 05, 2007

TO SPE OF : ART UNIT 2915 29/215445

SUBJECT : Request for Certificate of Correction on Patent No.: D536022

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.

Elisha Evans
Certificates of Correction Branch
Tel. No. 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:

_____

_____

_____

_____

_____

Gary D. Watson — **SPE**

2915 — **Art Unit**

OIPE JC65
JUN 30 2005
PATENT & TRADEMARK OFFICE

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,447	Art Unit:	2911
Filing Date:	10/19/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-114		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2005

By: _____
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

OIPE JC65
JUN 30 2005
PATENT & TRADEMARK OFFICE

IRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven A. Landau	Examiner:	Melanie H. Tung
Application No:	29/215,449	Art Unit:	2911
Filing Date:	10/19/2004		
Title:	COMPUTER MEMORY DEVICE		
Atty. Docket:	KASL-113		

****

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class Mail in an envelope addressed to the Commissioner of Patents & Trademarks, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on June 28, 2005

By: [signature]
Robert K. Tendler
Reg. No.: 24,581
Attorney for Applicant

****

REQUEST TO WITHDRAW

Approved 7/29/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Commissioner of Patents & Trademarks
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Now comes the Robert K. Tendler, Registration No. 24,581, counsel for KASL IP, LP, and requests to withdraw as attorney in the above-captioned Patent Application.

The undersigned has recently become aware of business difficulties in the corporation and has received conflicting instructions from the officers of the corporation, namely Kevin M. Auerbach and Steven A. Landau.

This Application was assigned by Steven A. Landau to KASL IP, LP.

Currently there is either an Issue Fee due, or there is an outstanding Office Action, or there has been no Office Action received by the undersigned.

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

Keith Kline
14910 Bonner Court
Morgan Hill, CA 95037-5925

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FEB 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Kwan S. Cheung	:	
Application No. 29/215,498	:	ON PETITION
Filed: October 19, 2004	:	
Attorney Docket No. 606DES	:	

This is a decision on the petition filed December 20, 2004, requesting that the above-identified application be accorded a filing date of October 19, 2004.

The application was filed on October 19, 2004. However, on November 26, 2004, the Office of Initial Patent Examination mailed a notice stating that Figure 4 described in the specification appears to have been omitted from the application.

In response, the present petition was filed. Petitioners request that the application be accorded a filing date of October 19, 2004, the date the application was deposited in the Patent and Trademark Office (Office) without a drawing labeled Figure 4. The petition is accompanied by a copy of the sheet of drawings containing the figures originally labeled Figures 1-3 and 5-8 which have been relabeled as Figures 1-7.

In view of the papers filed on December 20, 2004, it appears that the drawing of Figure 4 was present on October 19, 2004, but mislabeled by applicants. Since it is now clear that Figure 4 was present on October 19, 2004, albeit misnumbered, the application may be accorded that date as the filing date.

The petition is granted.

However, since a petition was necessary to correct applicants' filing error, the petition fee of $400 set forth in 37 CFR 1.17(f) is required. Effective, December 8, 2004, the petition fee was increased to $400. Therefore, since the Office mistakenly charged a petition fee of $130, the difference of $270 will be charged to petitioner's deposit account.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of October 19, 2004.

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

Brian Hearn
Senior Petitions Examiner

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 HOLMAN
c/o DOLAN DESIGNS
1901 NW UPSHUR
PORTLAND OR 97209

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FEB 27 2006
OFFICE OF PETITIONS

In re Application of	:	
JOHN HOLMAN	:	
Application No. 29/215,521	:	DECISION ON PETITION
Filed: October 19, 2004	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. n/a	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 12, 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 to submit the appropriate issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed April 7, 2005, which set a statutory period for reply of three (3) months. The $400 submitted on July 19, 2005 was not timely submitted and the amount was insufficient to cover the appropriate fees as a result of the change in entity status. Accordingly, the above-identified application became abandoned on July 8, 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(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 item(s): (1) the required reply.

The required reply to the Notice of Allowance and Fee(s) Due when there is a change in Entity Status (from small to large) is $800 for the issue fee and $300 for the publication fee. The $2,030 submitted with the petition on November 12, 2005 has been credited to the above-identified application, but this amount is insufficient to cover the publication fee as set forth in 37 CFR 1.18(d). The petitioner should submit $300 along with any request for reconsideration of this decision as specified above to renew the petition under 37 CFR 1.137(b).

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 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 Amelia Au at (571) 272-7414.

Amelia Au
Petitions Examiner
Office of Petitions

cc: JOHN HOLMAN
c/o DOLAN DESIGNS
2700 NW FRONT AVE
PORTLAND, OR 97210

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 HOLMAN
c/o DOLAN DESIGNS
2700 NW FRONT AVE.
PORTLAND OR 97210

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JUN 09 2006

OFFICE OF PETITIONS

In re Application of
JOHN HOLMAN
Application No. 29/215,521
Filed: October 19, 2004
Attorney Docket No. n/a

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the **renewed** petition under 37 CFR 1.137(b), filed April 28, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed April 7, 2005, which set a statutory period for reply of three (3) months. The $400 submitted on July 19, 2005 was not timely submitted and the amount was insufficient to cover the appropriate fees as a result of the change in entity status. Accordingly, the above-identified application became abandoned on July 8, 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 and publication fees; (2) the large entity petition fee of $1500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414.

The application file is being referred to the Office of Patent Publication.

Amelia Au
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

GREGORY O'TIERNEY
c/o DOLAN DESIGNS
1901 NW UPSHUR
PORTLAND OR 97209

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DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
O'Tierney, Gregory	:	
Application No. 29/215,535	:	ON PETITION
Filed: October 19, 2004	:	
Title: Table Lamp	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 12, 2005, 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; (2) the petition fee; (3) the required statement of unintentional delay have been received; and (4) the terminal disclaimer and requisite fee. Accordingly, the response has been accepted as having been unintentionally delayed.

The instant application has also been accorded Large Entity status.

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 request to change the address of record should be filed. 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 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

Cc: GREGORY O'TIERNEY
C/O DOLAN DESIGNS
2700 NW FRONT AVE
PORTLAND, OR 97210

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-16-06

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/215550 Patent No.: D623660

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 Drawing sheets

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

C Young

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 new Fig. 6 drawing has a different shaped bill and is not the one approved by the examiner in the Office Action dated 2/3/2006. The approved drawings were the ones submitted 1/23/2006.

Caron D. Veynar

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER
SPE

2913
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

Date Mailed : May 17, 2007

Patent No. : D523,612
Patent Issued : June 27,06
Docket No. : 11924-1010

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 .

The alleged error(s) drawings, The new fig.6 drawing has a different shaped bill and is not the one approved by the examiner in the office action dated 2/3/06. The approved drawings were the ones submitted 1/23/06. the patent is printed in accordance with the record .In view of the foregoing, your request, in this matter(s), is hereby denied.

Further consideration/reconsideration will be given upon receipt of a Request for Reconsideration under, under the provision of U.SC.254 or 255 (C.F.R. 1.322 or 1.323), accompanied by the appropriate response or fee of $100, which should be directed to Decisions & Certificates of Correction Branch.

Ennis Young
Legal Instrument Examiner
(703) 305-9390 ext.117

For Cecelia B. Newman, Supervisor
Decisions & Certificates of Correction Branch
(703) 308-9390 ext.102 or (703) 303-8309 (Receptionist)

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

BERNHARD KRETEN
WEINTRAUB GENSHLEA CHEDIAK SPROULE
400 CAPITOL MALL, 11TH FLOOR
SACRAMENTO, CA 95814

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JUL 21 2006
OFFICE OF PETITIONS

In re Application of

Koenig, et al.

Application No. 29/215,567

Filed: October 20, 2004

Attorney Docket No. 34165-DPA

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 2006, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182 for expedited treatment of the petition under 37 CFR 1.137(b), filed May 4, 2006.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is also **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 February 2, 2006, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on May 3, 2006. The response to the Notice of Allowability, filed November 10, 2005, is noted.

The terminal disclaimer filed November 10, 2005, is also noted.

The issue fee payment is noted as being received on May 9, 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
www.uspto.gov

BERNHARD KRETEN
WEINTRAUB GENSHLEA CHEDIAK SPROULE
400 CAPITOL MALL, 11TH FLOOR
SACRAMENTO, CA 95814

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JUL 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Thomas L. Koenig et al	:	
Application No. 29/215,567	:	ON PETITION
Filed: October 20, 2004	:	
Attorney Docket No. 34165-DPA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 4, 2006, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.182 for expedited consideration of the petition under 37 CFR 1.137(b), filed June 20, 2006.

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

The petition under 37 CFR 1.182 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 February 2, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 3, 2006.

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; (3) the required terminal disclaimer and fee; and (4) the required statement of unintentionally delay have been received. Accordingly, the issue fee is accepted as having been unintentional delayed.

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

This application is being referred to Publishing Division.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-16-07

TO SPE OF : Technology Center 2911

29/215573

SUBJECT : Request for Certificate of Correction on Patent No.: D541467 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.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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 M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912

Art Unit

OIPE JC98
JAN 04 2005

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,584	)	Group Art Unit: TBA 2913
Filed: October 22, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00523

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

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01 FC:1464 130.00 DA

OIPE JC98
JAN 05 2005
PATENT & TRADEMARK OFFICE

FILE COPY
DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,601	)	Group Art Unit: ~~TBA~~ 2913
Filed: October 22, 2004	)	Examiner: TBA Undocketed
For: **PORTION OF A DISPLAY SCREEN HAVING A MULTI-STATE USER INTERFACE**	)	Attorney Docket No.: 013797.00529

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALIHAN 00000120 29215601
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OIPE JC98 JAN 05 2005

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,602	)	Group Art Unit: ~~TBA~~ 2911
Filed: October 22, 2004	)	Examiner: TBA Tung
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00530

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
~~TC 1700~~ FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALINAN 00000121 190733 29215602
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JAN 05 2005

FILE COPY
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,604	)	Group Art Unit: TBA 2912
Filed: October 22, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN HAVING A MULTI-STATE USER INTERFACE**	)	Attorney Docket No.: 013797.00528

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700 FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALINAN 00000119 29215604
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FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Michael Hone et al.	
Serial No.: 29/215,605	Group Art Unit: ~~TBA~~ 2913
Filed: October 22, 2004	Examiner: TBA Undocketed
For: **PORTION OF A DISPLAY SCREEN HAVING A MULTI-STATE USER INTERFACE**	Attorney Docket No.: 013797.00526

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d) AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

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01 FC:1464 130.00 DA

JAN 05 2005

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,606	)	Group Art Unit: TBA 2913
Filed: October 22, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00527

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALINAN 00000118 29215606
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JAN 05 2005
PATENT & TRADEMARK OFFICE

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Michael Hone et al.	
Serial No.: 29/215,607	Group Art Unit: ~~TBA~~ 2913
Filed: October 22, 2004	Examiner: TBA Undocketed
For: **PORTION OF A DISPLAY SCREEN**	Attorney Docket No.: 013797.00525

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALINAN 00000117 29215607
01 FC:1464 130.00 DA

JAN 05 2005

FILE COPY

DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Michael Hone et al.	)	
Serial No.: 29/215,608	)	Group Art Unit: TBA 293
Filed: October 22, 2004	)	Examiner: TBA
For: **PORTION OF A DISPLAY SCREEN HAVING A MULTI-STATE USER INTERFACE**	)	Attorney Docket No.: 013797.00531

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 FEB 18 2005

Mail Stop Design
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486,487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 30, 31, 32, and 33; in class D19 in the following subclasses 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses:

01/06/2005 JBALINAN 00000122 190733 29215608
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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

MAY 25 2005

In re Application of	:	
STABB.	:	
Serial Number: 29/215,639	:	PETITION UNDER
Filed: October 22, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A DISPLAY SCREEN WITH AN ANIMATED IMAGE	:	

This is in response to the petition filed March 2, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

R Crispino

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF LTD.
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH FLOOR
WASHINGTON, DC 20001-4597

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

KENNETH J. HOVET
NORDMAN, CORMANY, HAIR & COMPTON LLP
P.O. BOX 9100
1000 TOWN CENTER DRIVE
OXNARD, CA 93031-9100

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OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Application No. 29/215,677	:	
Filing or 371(c) Date: 10/22/2004	:	
Attorney Docket Number: DES-108804	:	ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, filed July 31, 2006.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice), mailed January 24, 2006. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on April 25, 2006. A Notice of Abandonment was mailed June 6, 2006.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence. Applicant has also submitted the issue fee with the petition.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2915 for re-mailing of the Notice of Allowance to allow Applicant an opportunity to submit a PTOL-85B Issue Fee Transmittal Form.

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

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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AUG 0 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Bowyer et al.	:	
Application No. 29/215,684	:	DECISION ON PETITION
Filed: October 22, 2004	:	
Attorney Docket No. 04350083	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2009, 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).

With respect to item (4), since the instant application is a design application, a terminal disclaimer and fee are required by 37 CFR 1.137(b) for revival.

Petitioner's request for Change of Correspondence of Address has been accepted.

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

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

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

By facsimile: (571) 273-8300
Attn: Office of Petitions

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

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

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OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
Bowyer et al.	:	
Application No. 29/215,684	:	DECISION ON PETITION
Filed: October 22, 2007	:	
Attorney Docket No. 04350083	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the Issue fee and submit Corrected Drawings on or before March 13, 2008, as required by the Notice of Allowability For a Design Application mailed December 13, 2007. Accordingly, the date of abandonment of this application is March 14, 2008. A Notice of Abandonment was mailed June 18, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the payment of the Issue fee of $860.00 and submission of Corrected Drawings (previously submitted June 22, 2009); (2) the petition fee of $1,620.00 (previously submitted June 22, 2009); (3) a proper statement of unintentional delay; (4) a Terminal Disclaimer with the accompanying $140.00 fee.

The request for a terminal disclaimer has been accepted.

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

This application is being referred to the Office of Data Management for processing into a patent and review of the Corrected Drawings submitted on June 22, 2009.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 13 2004

Law Offices of John D. Gugliotta, PE, Esq.
202 Delaware Building
137 South Main Street
Akron OH 44308

In re Application of	:	
Steven Tsengas, Ph.D.	:	
Serial No. 29/215,733	:	DECISION ON PETITION
Filed: October 25, 2004	:	
Title: Apparatus for Scooping and Sifting Cat Litter	:	

This is in response to applicants' petition filed October 25, 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 (571) 272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET NW SUITE 501
WASHINGTON DC 20036

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AUG 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Haruo Hayashi	:	
Application No. 29/215,740	:	DECISION ON PETITION
Filed: October 25, 2004	:	
Attorney Docket No. SDE-1641	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed January 26, 2006.

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 further petition fee is due for a renewed petition. This is **not** a final agency decision within the meaning of 5 USC 704.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed August 23, 2005. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on November 24, 2005. A Notice of Abandonment was mailed January 19, 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 instant petition lacks item (4). The instant application is a design application, and accordingly requires a terminal disclaimer and accompanying fee. See 37 CFR 1.137(d).

Further correspondence concerning this application 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

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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OFFICE OF PETITIONS

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET NW SUITE 501
WASHINGTON DC 20036

In re Application of	:	
Haruo Hayashi	:	
Application No. 29/215,740	:	DECISION ON PETITION
Filed: October 25, 2004	:	
Attorney Docket No. SDE-1641	:	

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed September 7, 2006.

The petition is **GRANTED**.

The above application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance, mailed August 23, 2005. This Notice set a statutory period for reply of three (3) months for issue fee transmittal. No issue fee having been received, the application became abandoned on November 24, 2005. A Notice of Abandonment was mailed January 19, 2006. Applicant filed a petition to revive under 37 CFR 1.137(b) on January 26, 2006. However, the petition was dismissed in a decision mailed on August 24, 2006. Applicant did not include a terminal disclaimer as required by 37 CFR 1.137(d).

With the instant petition, applicant has filed a terminal disclaimer. The other requirements for a grantable petition under 37 CFR 1.137(b) were previously met in the petition filed on January 19, 2006.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

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

Cliff Congo
Petitions Attorney
Office of Petitions

JC99
JAN 05 2005
PATENT & TRADEMARK OFFICE

FILE COPY
DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker L. Hatfield et al.	)	
Application No.: 29/215,765	)	Group Art Unit: ~~TBA~~ 2914
Filed: October 26, 2004	)	Examiner: TBA Undocketed
For: **PORTION OF A SHOE OUTSOLE**	)	Attorney Docket No.: 015127.00378

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window, Mail Stop Design
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/902, 908, 947, 949, 951, 954, 955 and 961. For this search, the searcher consulted with Examiner Celia Murphy of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd. under the direction of Scott Fisher, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination search and within related files

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FILE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Tinker L. Hatfield et al.	)	
Application No.: 29/215,766	)	Group Art Unit: TBA 2914
Filed: October 26, 2004	)	Examiner: TBA
For: **PORTION OF A SHOE OUTSOLE**	)	Attorney Docket No.: 015127.00377

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window, Mail Stop Design
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 South Clark Street, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/902, 908, 947, 949, 951, 954, 955 and 961. For this search, the searcher consulted with Examiner Celia Murphy of Group 2900 of the USPTO. A search was also conducted at the law firm of Banner & Witcoff, Ltd. under the direction of Scott Fisher, a design assistant with the firm, through a collection of prior art patents pertaining to shoes assembled from various files of the assignee of the invention. The patents and documents listed on the attached PTO-1449 (2 sheets) were found in the pre-examination search and within related files

01/06/2005 JBALINAN 00000126 190733 29215766
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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
William Hong Vong	)	
Serial No.: 29/215,780	)	Group Art Unit: ~~TBA~~ 2912
Filed: October 26, 2004	)	Examiner: TBA Undocketed
For: **PORTION OF A DISPLAY SCREEN**	)	Attorney Docket No.: 013797.00607

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700 FEB 18 2005

Mail Stop Design
Commission for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a registered patent agent and a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in class D14 in the following subclasses: 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, and 495; in class D18 in the following subclasses: 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; in class D19 in the following subclasses: 6, 7; in class D20 in the following subclasses: 11, 18; in class D21 in the following subclasses: 324, 325, 326, 327, 328, 329, 330, 331, 332, and 333; in class 345 in the following subclasses: 683, 902; in class 715 in the following subclasses: 700-

01/06/2005 JBALIMAN 00000125 190733 29215780
01 FC:1464 130.00 DA

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

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

COPY MAILED
FEB 09 2005
OFFICE OF PETITIONS

In re Application of :
Zhang :
Application No. 29/215,784 : DECISION
Deposited: June 14, 2004 : ON PETITION
Title of Invention: :
CONTAINER :

This is in response to the correspondence entitled "Request for Previous Filing Date", filed October 26, 2004, requesting this application be accorded a filing date of June 14, 2004. The petition is properly treated under 37 CFR 1.53.

The above-identified application was filed June 14, 2004. However, Applicant has failed to receive a Filing Receipt, nor are there any records in this Office indicating that the application was filed on June 14, 2004. In support of Applicant's request, Applicant files a return-receipt postcard evidencing receipt by this Office of 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees on June 14, 2004. Applicant has also re-submitted 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees with the instant petition.

"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.

Accordingly, the petition is granted.

No petition fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examinatior for further processing with a filing date of June 14, 2004, and an indication that 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees were present on filing, using the 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, filed with the instant petition on October 25, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
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

RECEIVED
PILLSBURY WINTHROP LLP/VA

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

FEB 1 0 2005

CL 020469 MT# 030406
ATTY(S) JPD

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FEB 0 9 2005
OFFICE OF PETITIONS

In re Application of
Zhang
Application No. 29/215,784
Deposited: June 14, 2004
Title of Invention:
CONTAINER

DECISION
ON PETITION

This is in response to the correspondence entitled "Request for Previous Filing Date", filed October 26, 2004, requesting this application be accorded a filing date of June 14, 2004. The petition is properly treated under 37 CFR 1.53.

The above-identified application was filed June 14, 2004. However, Applicant has failed to receive a Filing Receipt, nor are there any records in this Office indicating that the application was filed on June 14, 2004. In support of Applicant's request, Applicant files a return-receipt postcard evidencing receipt by this Office of 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees on June 14, 2004. Applicant has also re-submitted 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees with the instant petition.

"A postcard receipt which itemizes and properly identifies the papers whi are being filed serves as prima facie evidence of receipt in the PTO of a items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

No petition fee has been charged and none is due.

The application will be referred to the Office of Initial Patent Examinat for further processing with a filing date of June 14, 2004, and an indication that 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, and $170.00 in fees were present on fil using the 1 page of application, 1 priority document, 1 drawing sheet consisting of 5 Figures, filed with the instant petition on October 25, 2004.

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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

PAGE 6/6 * RCVD AT 3/21/2005 1:18:06 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:+703 905 2500 * DURATION (mm-ss):01-58

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United States Patent and Trademark Office
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J. JASON LINK
KILPATRICK STOCKTON
1001 WEST FOURTH STREET
WINSTON-SALEM, NC 27101

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OFFICE OF PETITIONS

In re Application of	:	
Dirk Jan Bulsink	:	
Application No. 29/215,804	:	ON PETITION
Filed: October 25, 2004	:	
Attorney Docket No. 52172/304542	:	

This is a decision on the petition under 37 CFR 1.313(c), filed March 8, 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 February 10, 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 March 8, 2006.

Telephone inquiries should be directed to Wan Laymon at (703) 306-5685.

The application is being forwarded to Technology Center AU 2915 for processing of the CPA and the concurrently filed IDS.

Wan Laymon
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

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 5TH AVE FL 16
NEW YORK, NY 10001-7708

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SEP 28 2005

OFFICE OF PETITIONS

In re Application of:	:	
Kiyoaki Nishihara	:	
Application No. 29/215,848	:	DECISION ON PETITION
Filed: October 26, 2004	:	
Attorney Docket No. 04726/LH	:	

This is a decision on the petition under 37 CFR §1.137(b), August 30, 2005, 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 March 25, 2005. The Notice set forth a three (3) month statutory period for reply. Accordingly, this application became abandoned on June 26, 2005.

The issue fee was received on August 30, 2005. The terminal disclaimer filed August 30, 2005, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080815

DATE : May 01, 2008

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D551041

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:

/CARON VEYNAR/
Supervisory Patent Examiner.Art Unit 2913

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: 03-06

Paper No: ___

ANDRUS, SCEALES,
STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

COPY MAILED

MAR 03 2006

OFFICE OF PETITIONS

In re Application of:	:	
Moritz, et al.	:	
Patent No.: D511,604	:	
Issue Date: 15 November, 2005	:	
Application No. 29/215,906	:	ON PETITION
Filed: 26 October, 2004	:	
Attorney Docket No.: 5108-00001	:	

This is a decision on the request filed on 3 January, 2006, under 37 C.F.R. §3.81 wherein Petitioner seeks the have the Office accept the correction of the instant patent to reflect issuance in the name of the assignee, and considered under 37 C.F.R. §1.323 to correct Applicant/Petitioner's error in the issuance of the patent to the Assignee under 37 C.F.R. §1.183 (for waiver) and 37 C.F.R. §3.81–the Issue Fee transmittal was submitted with an error as to the assignee identification.

The petition is **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §3.81 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) will not be permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.323, §1.183 and §3.81."

(2) Thereafter, there will be no further reconsideration of this matter.

(3) Petitioner is cautioned always to use both the patent number and application serial number, as well as filing date and issue date when addressing matters attendant to this file.

BACKGROUND

As is evident from the caption, above, the instant application:

- was filed on 26 October, 2004; and
- issued as a patent on 15 November, 2005;

Although Petitioner fails to outline the history in his petition (including assignment recordation date(s) and Frame/Reel data, prior to issue Petitioner submitted for recordation the assignment(s) of co-inventors, and they were recorded in the Office on 13 June, 2005.

However, on payment of the Issue Fee, Petitioner failed to indicate the assignee for the issuance data.

Petitioner also apparently failed to:

- review for guidance in this matter MPEP §307 and §§1480 - 1485; and
- consult the Office website (www.uspto.gov) as to applicable fees.

ANALYSIS

Congress has authorized the issuance of patents in the name(s) of the assignee(s):

> **35 U.S.C. §152 Issue of patent to assignee.**
> Patents may be granted to the assignee of the inventor of record in the Patent and Trademark Office, upon the application made and the specification sworn to by the inventor, except as otherwise provided in this title. (Emphasis supplied.)

Pursuant to that authorization, the Office has promulgated the regulations set forth at 37 C.F.R.

§3.81 that set forth the procedure applicable to the process:

> **§ 3.81 Issue of patent to assignee.**
> (a) *With payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance is submitted with payment of the issue fee, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).
> (b) *After payment of the issue fee:* An application may issue in the name(s) of the assignee(s) consistent with the application's assignment where a request for such issuance along with the processing fee set forth in § 1.17(I) of this chapter is submitted after the date of payment of the issue fee, but prior to issuance of the patent, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request should be accompanied by the assignment and either a direction to record the assignment in the Office pursuant to § 3.28, or a statement under § 3.73(b).
> (c) *Partial assignees.*
>
> > (1) If one or more assignee(s) together with one or more inventor(s) hold the entire right, title, and interest in the application, the patent may issue in the names of the assignee(s) and the inventor(s).
> > (2) If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees. (Emphasis supplied.)

Petitioner has failed to pay or otherwise authorize the fees applicable under 37 C.F.R. §1.323, §1.183.

CONCLUSION

Accordingly, the petition is **dismissed**.

If Petitioner seeks reconsideration of this matter, Petitioner must pay the fee unpaid on this review and the fees applicable on reconsideration.

Further correspondence with respect to this matter should be addressed as follows:[1]

By mail: Commissioner for Patents[2]
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 regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[1] 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 .)

[2] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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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JJGJr: 04-06

Paper No: ___

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APR 1 1 2006
OFFICE OF PETITIONS

ANDRUS, SCEALES,
STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE WI 53202

In re Application of:	:	
Moritz, et al.	:	
Patent No.: D511,604	:	
Issue Date: 15 November, 2005	:	
Application No. 29/215,906	:	ON PETITION
Filed: 26 October, 2004	:	
Attorney Docket No.: 5108-00001	:	

This is a decision on the request filed on 13 March, 2006, under 37 C.F.R. §3.81 wherein Petitioner seeks the have the Office accept the correction of the instant patent to reflect issuance in the name of the assignee, and considered under 37 C.F.R. §1.323 to correct Applicant/Petitioner's error in the issuance of the patent to the Assignee under 37 C.F.R. §1.183 (for waiver) and 37 C.F.R. §3.81–the Issue Fee transmittal was submitted with an error as to the assignee identification.

The petition is **GRANTED**, and as authorized Deposit Account 01-2000 is charged for the Certificate of Correction.

BACKGROUND

As is evident in part from the caption, above:

- the instant application was filed on 26 October, 2004;

- the assignment was recorded in the Office on 13 June, 2005, at Reel/Frame Nos. 016128/0368;
- however, on payment of the Issue Fee, Petitioner failed to indicate the assignee for the issuance data;
- the application issued as a patent on 15 November, 2005.

The file is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction in due course consistent with the recorded assignment (to Assignee **WM Motorcycle Memorials, Inc. (Henderson, NV))** as set forth above.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

29/215,915

C of C

OIPE IAP33
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PATENT & TRADEMARK OFFICE

Customer No. 26308

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number : Des 538,315
Issued : 13 March 2007
Name of Patentee : Randy J. Bernhardt
Title of Invention : Collet Holder and Tool Body

OK TO ENTER: /P.P./

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTENTION: Decision and Certificate of Correction
Branch of the Patent Issue Division

Certificate
FEB 2 6 2009
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR APPLICANT'S MISTAKE (37 CFR 1.323)

1. It is noted that an error appears in this patent of a
   [X] clerical
   [ ] typographical
   [ ] minor
   nature or character, as more fully described below. It occurred in good faith. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. A certificate of correction is requested.

2. Attached in duplicate is Form PTO-1050 with at least one copy being suitable for printing.

NOTE: Form PTO-1050, using the column and line number in the printed patent, should be used exclusively regardless of the length of complexity of the subject matter. MPEP § 1485.

NOTE: The patent grant should be retained by the patentee. The PTO does not attach the certificate of correction to the patentee's copy of the patent. The patent grant will be returned to the patentee if submitted. MPEP § 1485.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Mary Szollar
Type or print name of person mailing paper

Date: 20 February 2009

Mary Szollar
(Signature of person mailing paper)

02/25/2009 SLUANG1 00000002 D538315
01 FC:1811 100.00 OP

FEB 2 6 2009

3. The exact page and line number where the errors occur in the application file are:

NOTE: This information should be identified in this request, however, on Form PTO-1050, only the column and line number in the printed patent should be used. MPEP § 1485.

In the Application:

Applicant submitted an Information Disclosure Statement (IDS) 25 January 2005. The Examiner considered and signed off on all but one of the references listed in the Prior Art on 9 June 2006. Applicant did not act on this omission prior to the patent issue. Kindly include the following Other Prior Art in the specification:

– MSC Industrial Supply Co. catalog, 2004/2005, pg. 1641 --

4. Please send the Certificate to:

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226

5. Please pay the fee of $100.00, as required by 37 CFR 1.20(a), as follows:

[x] Enclosed is a check for $100.00

[ ] Charge Deposit Account No. 06-2360 the sum of $100.00. A duplicate of this request is attached.

By _____
Patrick J. Fleis, Reg. No. 55,185
Attorney of Record

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
Customer No. 26308

FEB 26 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : D538,315

DATED : 13 March 2007

INVENTOR(S) : Randy J. Bernhardt

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the issued patent under (56) References Cited Other Publications, insert
– MSC Industrial Supply Co. catalog, 2004/2005, pg. 1641 --

Mailing Address of Sender:
Ryan Kromholz & Manion, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226

Number of Copies: 0

FEB 2 6 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : D538,315

DATED : 13 March 2007

INVENTOR(S) : Randy J. Bernhardt

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the issued patent under (56) References Cited Other Publications, insert
– MSC Industrial Supply Co. catalog, 2004/2005, pg. 1641 --

Mailing Address of Sender:
Ryan Kromholz & Manion, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226

Number of Copies: 0

FEB 2 6 2009

Trish

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/9/09

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29215915 Patent No.: D538315

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

_____
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: _____

ROBERT M. SPEAR
DESIGN PRACTICE SPECIALIST

SPE

2915
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
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BAKER & HOSTETLER, LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

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MAR 10 2008

OFFICE OF PETITIONS

In re Application of :
Chang Ho Lee, et. al. :
Application No. 29/216,088 : ON PETITION
Filed: October 29, 2004 :
Attorney Docket No. 87408.1800 :

This is a decision on the "PETITION TO REVIVE UNDER 37 CFR 1.181" filed on March 14, 2007, which is being treated as a petition to revive the application under the provisions of 37 CFR 1.137(b).

The petition is **DIMISSED**.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed June 6, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated (See 37 CFR 1.197(b)). As no claim was allowed, the application became abandoned after midnight on August 6, 2006 (*See* MPEP 1215.04). A Notice of Abandonment was mailed on January 29, 2007.

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 required by 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**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks items (1) and (4).

It is noted that petitioner filed a Request for Continued Examination (RCE) and a submission under 37 CFR 1.114 on March 14, 2007. However, RCE practice does not apply to design applications. Since an RCE is not a type of new application filing, the Office cannot convert an RCE (whether proper or improper) to a new application such as a CPA under 37 CFR 1.53(d). Thus, petitioner must file an appropriate response to continue the prosecution of this application.

Further, a design application requires a Terminal Disclaimer and $130 fee under 37 CFR 1.137(d). 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.

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
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) 272-3226.

Andrea Smith
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

BAKER & HOSTETLER, LLP
WASHINGTON SQUARE, SUITE 1100
1050 CONNECTICUT AVE. N.W.
WASHINGTON, DC 20036-5304

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FEB 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Chang Ho Lee, et. al.	:	
Application No. 29/216,088	:	ON PETITION
Filed: October 29, 2004	:	
Attorney Docket No. 87408.1800	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on March 26, 2008 and supplemented on February 10, 2009, to revive the above-identified application.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a terminal disclaimer with the $140 fee and a Continued Prosecution Application (CPA) with the $210 fee; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **granted**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the above application is again abandoned in favor of the CPA filed on March 26, 2008.

The terminal disclaimer under 37 CFR 1.137(d), filed February 10, 2009, has been accepted 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. A copy of this decision should be attached to the cover letter.

Since the Request for Continued Examination (RCE) filed on March 14, 2007 was improper, the $790 fee will be refunded to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2910 for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Express Mail Label No. EV 475 010 016 US

PTO/SB/27 (08-00)
Approved for use through 10/31/2002. 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	unknown
	Filing Date	unknown
	First Named Inventor	Teriatnikov
	Title	Shoe Upper
	Atty Docket Number	210859.15557

17354 U.S. PTO
29/216116
102904

HAND DELIVER TO THE DESIGN GROUP DIRECTOR'S OFFICE
-or- ADDRESS TO:
COMMISSIONER FOR PATENTS
BOX EXPEDITED DESIGN
WASHINGTON, D.C. 20231

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.

Approved 2/8/05
Jacqueline M. Stone, Director
Technology Center 2700

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

Class D2, subclasses 896, 902, 907, 908, 943, 944, 945, 946, 969, 972, 973, 974, 975, and 978.

Related applications: (none)

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. ☑

Oct 29, 2004
Date

Signature

11/01/2004 SSESHE1 00000077 29216116
01 FC:1803 900.00 OP

Finn T. Simmensen, Reg. No. 40,174
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.

Burden Hour Statement: This collection of information is required by 37 CFR 1.155. The information is used by the public to request (and the PTO to process) expedited examination of a design application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This 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: Commissioner for Patents, Box Expedited Design, Washington, DC 20231.

H:\FINN'S WORKING FILES\CLIENT FILES\SKECHERS\15557 Skechers USDPA shoe upper 21511\Request Expedited Examination.doc

FILE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jason Mayden

Serial No.: To be assigned 29/216129

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned 2912

Group Art Unit: 2900

Attorney Docket No.: 2465-6553US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828455US

Date of Deposit with USPS: October 29, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

11/03/2004 SSITHIB1 00000039 201469 29216129
01 FC:1460 130.00 OP

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 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Nuria Hansen	:	
Serial No.: 29/216,130	:	DECISION ON PETITION
Filed: October 29, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on October 29, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Nuria Hansen	:	
Serial No.: 29/216,130	:	DECISION ON PETITION
Filed: October 29, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on October 29, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

THE LAW OFFICES OF MIKIO ISHIMARU
1110 SUNNYVALE-SARATOGA ROAD
SUITE A1
SUNNYVALE CA 94087

COPY MAILED

NOV 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Ting, Albert H.	:	
Application No. 29/216,132	:	ON PETITION
Filed: October 28, 2004	:	
Attorney Docket No. 34-D001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 21, 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 June 20, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 21, 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). The Office acknowledges receipt of the Issue Fee Transmittal form and the issue fee payment. However, pursuant to 37 CFR 1.137(d)(1), any petition to revive a design application must be accompanied by a terminal disclaimer and fee. Accordingly, prior to revival of the instant application, the terminal disclaimer and requisite fee must be submitted.

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

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 LAW OFFICES OF MIKIO ISHIMARU
333 W. EL CAMINO REAL
SUITE 330
SUNNYVALE CA 94087

COPY MAILED

DEC 23 2005

OFFICE OF PETITIONS

In re Application of	:	
Ting, Albert H.	:	
Application No. 29/216,132	:	ON PETITION
Filed: October 28, 2004	:	
Attorney Docket No. 34-D001	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed December 1, 2005, 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

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
DIW Nov-05

MCDERMOTT, WILL & EMERY (LOS ANGELES OFFICE)
2049 CENTURY PARK EAST
34TH FLOOR
LOS ANGELES CA 90067-3208

COPY MAILED

NOV 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Ivan Tampi	:	
Application No. 29/216,140	:	DECISION ON PETITION
Filed: 29 October, 2004	:	
Atty Docket No. 071179-0016	:	

This is a decision on the petition filed on 19 October, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

---

[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 petition is **GRANTED**.

The application became abandoned on 24 June, 2005, for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee(s) Due mailed on 23 March, 2005, which set a three (3) month shortened statutory period for reply. The filing of the present petition precedes the mailing of Notice of Abandonment.

Since this application is revived for purposes of continuity only with the Continued Prosecution Application (CPA) filed on 19 October, 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 October, 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 October, 2005, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The address in the instant petition is different than the correspondence address. A copy of the decision is being mailed to the address listed on the petition. All future correspondence, however, will be sent solely to the address of record.

The application is being referred to Technology Center 2900 for processing of the CPA filed on 19 October, 2005.

---

[2] 65 Fed. Reg. 54,674 (2000).

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: McDermott Will & Emery LLP
18191 Von Karman Ave, Suite 400
Irvine, CA 92612-7107

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

NOV 17 2004

Finn T. Simmensen
KLEINBERG & LERNER, LLP
Suite 1080
2049 Century Park East
Los Angeles CA 90067

In re Application of	:	
Craig Nelson	:	
Serial No.: 29/216,171	:	**REQUEST FOR EXPEDITED**
Filed: October 29, 2004	:	**EXAMINATION**
For: Shoe Upper	:	

This is in response to the Request for expedited examination applicant filed October 29, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle
Director
Technology Center 3700/2900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Carl Andreas Jonsson

Serial No.: To be assigned 29/216,204

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simone, D

Group Art Unit: 2900

Attorney Docket No.: 2465-6555US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828230US

Date of Deposit with USPS: October 29, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER
M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700 FEB 23 2005

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

11/03/2004 SSITHIB1 00000050 201469 29216204
01 FC:1460 130.00 OP

FILE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hanmi Hubbard

Serial No.: To be assigned 29/216205

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simone, C

Group Art Unit: 2900 2912

Attorney Docket No.: 2465-6565.1US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994842395US

Date of Deposit with USPS: October 29, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

11/03/2004 SSITHIB1 00000049 201469 29216205
01 FC:1460 130.00 OP

FILE COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hanmi Hubbard

Serial No.: To be assigned 29/216209

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned Simone, C

Group Art Unit: 2900 2912

Attorney Docket No.: 2465-6565US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828447US

Date of Deposit with USPS: October 29, 2004

Person making Deposit: Laurence B. Bond

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION GRANTED

William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

03/2004 SSITHIB1 00000045 201469 29216209
C:1460
130.00 OP

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

8/16/05

TIMOTHY T. TYSON
FREILICH, HORNBAKER & ROSEN
SUITE 1220
10960 WILSHIRE BLVD.
LOS ANGELES, CA 90024-3702

In re Application of
Todd Ryan Spencer
Serial No.: 29/216,230
Filed: October 29, 2004
Attorney Docket No.: 04/125

: PETITION DECISION

This is in response to applicant's Petition to Withdraw Holding of Abandonment under 37 CFR 1.181, filed June 21, 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 Allowance mailed December 22, 2004. As no response was received by March 22, 2005, a Notice of Abandonment was mailed May 5, 2005. 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 February 2, 2005, a copy of the returned check, and Post Card receipts. It appears that all of the papers were associated with application 29/216,215, which were submitted together, and this application 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

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 07 2007

OFFICE OF PETITIONS

THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD, TW199
TOWSON MD 21286

In re Application of	:	
Mark A. ETTER et al.	:	
Application No. 29/216,273	:	DECISION ON PETITION
Filed: October 29, 2004	:	
Attorney Docket No. **JK01453A**	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2007, to revive the above-identified design application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before September 05, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 05, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 06, 2006. A Notice of Abandonment was mailed on June 05, 2006.

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. See MPEP 711.03(c). In view of the authorization contained in the petition to charge any additional fees due, the $800 issue fee will be charged to petitioner's deposit account.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $800 issue fee, (2) the petition fee of $1500, (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 timely pay the issue fee as required by the Notice of Allowance and Fees is accepted as being unintentionally delayed. However, the petitioner has failed to submit the required oath or declaration.

The terminal disclaimer is accepted and has been made of record.

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 the CPA.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to the Office of Initial Patent Examination.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D511,488 :
Issue Date: November 15, 2005 :
Application No. 29/216,282 :
Filed: November 1, 2004 :
Attorney Docket No. US113958-1 :
(20041000.DES) // TAIW 605-126

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 no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The address listed on the petition differs from the address of record. A courtesy copy of the decision will be mailed to the address listed on the petition. Petitioner may wish to consider filing a request to change the correspondence address.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: RABIN & BERDO, P.C.
1101 14TH STREET
SUITE 500
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

JAN 0 8 2007

OFFICE OF PETITIONS

In re Patent No. D519,063 :
Issue Date: April 18, 2006 :
Application No. 29/216,283 : NOTICE
Filed: November 1, 2004 :
Attorney Docket No. US113958-4 :
(20041002.DES)// TAIW 605-128

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

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

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

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

The address listed on the petition differs from the address of record. A courtesy copy of the decision will be mailed to the address listed on the petition. Petitioner may wish to consider filing a request to change the correspondence address.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: RABIN & BERDO, P.C.
1101 14TH STREET
SUITE 500
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Steven M. Rabin
Rabin & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

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AUG 20 2007

OFFICE OF PETITIONS

In re Patent No. D,524,196 :
Issue Date: July 4, 2006 :
Application No. 29/216,284 : NOTICE
Filed: November 1, 2004 :
Patentee(s): Youn-Fu You :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on September 29, 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.

Further, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified patent. However, 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.

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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MAY 25 2005

In re Application of	:	
TEAGUE.	:	
Serial Number: 29/216,293	:	PETITION UNDER
Filed: November 2, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE MIDSOLE	:	

This is in response to the petition filed February 14, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

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MAY 25 2005

In re Application of	:	
ALFARO.	:	
Serial Number: 29/216,294	:	PETITION UNDER
Filed: November 2, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed February 14, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

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MAY 25 2005

In re Application of TEAGUE. Serial Number: 29/216,295 Filed: November 2, 2004 For: PORTION OF A SHOE UPPER	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 14, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAY 25 2005

In re Application of HOLMES. Serial Number: 29/216,296 Filed: November 2, 2004 For: PORTION OF A SHOE UPPER	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 28, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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OFFICE OF PETITIONS

In re Application of :
Kyung Ho Lee :
Application No. 29/216,301 : ON PETITION
Filed: November 2, 2004 :
Attorney Docket No.: CU-6721 WWP :

This is a decision on the petition filed September 22, 2008 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 July 28, 2005 for failure to timely pay the issue fee on or before July 27, 2005. Accordingly, a Notice of Abandonment was mailed April 7, 2006.
The petition does not satisfy requirement (4) above.

---

[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)).

Petitioner must submit a Terminal Disclaimer with any renewed petition since this is a 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of :
Kyung Ho Lee :
Application No. 29/216,301 :
Filed: November 2, 2004 :
Attorney Docket No.: CU-6721 WWP :

ON PETITION

This is a decision on the renewed petition filed December 10, 2008 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 July 28, 2005 for failure to timely pay the issue fee on or before July 27, 2005. Accordingly, a Notice of Abandonment was mailed April 7, 2006. A petition to revive was filed September 22, 2008 authorizing the payment of the issue fee and petition fee but was dismissed in a decision mailed October 21, 2008 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, and fee, which has been charged to deposit account no. 12-0400, 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

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.

(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)).

BEST AVAILABLE COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/01/06

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: **29/216322** Patent No.: **D515812**

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
703.308.9380 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: _____

_____

_____

_____

_____

Gary D. Watson — **SPE**

2915 — **Art Unit**

GARY D. WATSON U.S. DEPARTMENT OF COMMERCE Patent and Trademark Offic
SUPERVISORY PATENT EXAMINER

PTOL-306 (REV. 7/03)

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

In re Application of Jason T. Lanius Application No. 29/216,327 Filed: November 1, 2004 Attorney Docket No. 550181.00004	: : : : :	ON PETITION

This is a decision on the petition, filed June 27, 2006, under 37 CFR 1.137(b) to revive the above-identified application.

The application became abandoned for failure to pay the issue fee on or before May 8, 2006. A Notice of Abandonment was mailed on June 14, 2006. In response, on June 27, 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 June 27, 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

11-15-07

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

Patent No. : D536,769
Ser. No. : 29,216327
Inventor(s) : Jason T. Lanius
Issued : February 13, 2007
Title : TUB FOR BATHING

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.

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.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 111** or (703) 308-8309

Quarles & Brady
411E. Wisconsin Avenue
Suite 2040
Milwaukee WI 53202-4497

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

3-4-09

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

Patent No. : D536,769 S
Application No : 29/216,327
Inventor(s) : Jason T. Lanius
Issued : February 13, 2007

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 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
40l 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.

Eva James
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 124 or 125

Steven J. Wietrzny, Esq.
Quarles & Brady LLP
411 E. Wisconsin Avenue, Suite 2040
Milwaukee WI 53202-4497

ej

SPE: I. Simmons

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/14/07

TO SPE OF : ART UNIT 2916

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/216,366 Patent No.: D524462

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**.

Lamonte M. 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.

- [x] **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**

UNITED STATES PATENT AND TRADEMARK OFFICE

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TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

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JUN 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Gordon Chih	:	
Application No. 29/216,376	:	
Filed: November 3, 2004	:	DECISION ON PETITION
Atty Docket No.:	:	
BHT-3098-184	:	

This is a decision on the Petition to Revive the Application based upon unintentional abandonment, filed March 7, 2006.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed October 3, 2005. The Notice set a non-extendable statutory period for reply of three (3) months. Accordingly, the application became abandoned January 4, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

With the instant petition Applicant has submitted the issue fee.

This application is being forwarded 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
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Alexandria, VA 22313-1450
www.uspto.gov

A. Burgess Lowe
Maytag Corporation/The Hoover Company
101 East Maple Street
North Canton OH 44720

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AUG 15 2006

OFFICE OF PETITIONS

In re Application of
Moine et al.
Application No. 29/216,383
Filed: November 2, 2004
Attorney Docket Number: 2774

Title of Invention: Portion of a Portable Cleaning Machine

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 20, 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 7, 2005. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). Accordingly, this application became abandoned on March 8, 2006. This decision precedes the mailing of a Notice of Abandonment.

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 items (1) and (4) the terminal disclaimer.

As to item (1), the draftsperson has objected the drawings submitted with the petition. A copy of the Notice of Draftsperson's Patent Drawing Review is enclosed. Corrected drawings are required on renewed petition.

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
Petitions Attorney
Office of Petitions

Form PTO-948 (Rev. 06/03)
Application No. 29/216383

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 3/20/2006 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) 1-5

___ 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)___

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:

- Fig label cut off partially at bottom (Fig 1, 2, 4, 5
- indicias not in top margin (Fig 1-6)

Reviewer WJS

Date 8/9/06

If you have questions, call (703) 305-8404.

Attachment to Paper No. ___

UNITED STATES PATENT AND TRADEMARK OFFICE

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A. Burgess Lowe
Maytag Corporation/The Hoover Company
101 East Maple Street
North Canton OH 44720

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NOV 0 9 2006
OFFICE OF PETITIONS

In re Application of
Moine et al.
Application No. 29/216,383
Filed: November 2, 2004
Attorney Docket Number: 2774
Title of Invention: Portion of a Portable Cleaning Machine

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 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 7, 2005. The Notice of Allowance and Issue Fee Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under 37 CFR 1.136 (a). Accordingly, this application became abandoned on March 8, 2006. This decision precedes the mailing of a Notice of Abandonment. A petition was dismissed on August 15, 2006.

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.

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

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 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Matthew J. Holmes	:	
Serial No.: 29/216,467	:	DECISION ON PETITION
Filed: November 3, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 3, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

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
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DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Matthew J. Holmes	:	
Serial No.: 29/216,467	:	DECISION ON PETITION
Filed: November 3, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 3, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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
www.uspto.gov

Billy R. Shelton
5279 Salisbury Drive
Newark CA 94560

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AUG 17 2006
OFFICE OF PETITIONS

In re Application of
Shelton et al.
Application No. 29/216,480
Filed: November 2, 2004
Title: Natural and Artificial Bait Rotator Fishing Rig For Trolling and Drifting

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed on June 9, 2006.

The petition to withdraw the holding of abandonment 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 above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed October 19, 2005. The Restriction Requirement set a thirty (30) day shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on November 20, 2005. A Notice of Abandonment was mailed on May 30, 2006.

37 CFR 1.33(b) states in pertinent part:

Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition has only been executed by applicant Shelton.

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
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

Billy R. Shelton
5279 Salisbury Drive
Newark CA 94560

COPY MAILED

JAN 22 2007

OFFICE OF PETITIONS

In re Application of :
Shelton et al. :
Application No. 29/216,480 :
Filed: November 2, 2004 :
Title: Natural and Artificial Bait Rotator Fishing :
Rig For Trolling and Drifting

ON PETITION

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181 filed on November 17, 2006.

This above-identified application was held abandoned for failure to timely reply to the restriction requirement mailed October 19, 2005. The Restriction Requirement set a thirty (30) day shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application was held abandoned on November 20, 2005. A Notice of Abandonment was mailed on May 30, 2006. A petition was dismissed on August 17, 2006.

In light of the Notice of Corrected Application Number and the receipt of the timely reply to the restriction requirement, the holding of abandonment is withdrawn

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

This application is being forwarded to the Art Unit 2914 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SULLIVAN & WORCESTER LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109

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MAY 23 2006

OFFICE OF PETITIONS

In re Application of :
Rimon :
Application No. 29/216,515 :
Filed: November 4, 2004 :
Attorney Docket No. OTI-001D2 :
For: KEY CHAIN

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed April 25, 2006, to withdraw the holding of abandonment.

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

The Office contended that the above-identified application became abandoned for failure to submit the issue fee in response to the November 3, 2005 Notice of Allowance and Fee(s) Due, which set a three month period for reply. No reply being received, the Office contended that this application became abandoned on February 4, 2006. A Notice of Abandonment was mailed on April 7, 2006.

Petitioner alleges that the November 3, 2005 Notice was not received.

The showing required to establish non-receipt of an Office communication must include:

1. 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.
2. 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.[1]

Petitioner has proven non-receipt. The petition is granted.

---

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

After the mailing of this decision, the application will be returned to Technology Center AU 2914 for the re-mailing of the November 3, 2005 Notice of Allowance and Fee(s) Due and Notice of Allowability with a new period for response.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESLEY W. WHITMYER, JR.
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

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JUN 21 2006
OFFICE OF PETITIONS

In re Application of	:	
Karl-Heinz Haunschild et al	:	
Application No. 29/216,532	:	ON PETITION
Filed: November 4, 2004	:	
Attorney Docket No. 02581-D0630A	:	

This is a decision on the petition, filed June 16, 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 **DISMISSED**.

Petitioner should be aware that the filing of a petition under 37 CFR 1.313(c)(2), for consideration of a submission under 37 CFR 1.114 (request for continued examination), do **not** apply to **design** applications. However, petitioner may consider filing under 37 CFR 1.313(c)(3), in favor of a continued prosecution application (CPA) under 37 CFR 1.53(d).

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 facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: Randolf Building
401 Dulany Street
Alexandria, VA 22314

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

Karen Creasy

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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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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In re Application of	:	
Avner Rimon	:	
Application No. 29/216,534	:	DECISION ON PETITION
Filed: 11/04/2004	:	
Attorney Docket No. RIMON2	:	

This is a decision on the petition under 37 CFR 1.181, filed April 25, 2006, and again on June 26, 2006, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On November 3, 2005, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability ("Notice of Allowance"), which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on February 4, 2006. A Notice of Abandonment was mailed on April 7, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Allowance.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Allowance, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication 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 MPEP 711.03(c)(I)(A). For

example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicants submitted copies of docket records where the Notice of Allowance would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the Notice of Allowance was not received. Accordingly, applicants presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 2914 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 and Fee(s) Due and a Notice of Allowability. The three (3) month statutory time period for responding to the Notices will be set to run from the mailing date of the new Notices.

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

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United States Patent and Trademark Office
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SULLIVAN & WORCESTER LLP
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OFFICE OF PETITIONS

In re Application of	:	
Avner Rimon	:	
Application No. 29/216,535	:	DECISION ON PETITION
Filed: 11/04/2004	:	
Attorney Docket No. OTI-001D3	:	

This is a decision on the petition under 37 CFR 1.181, filed April 25, 2006, and again on June 26, 2006, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On November 3, 2005, the Office mailed a Notice of Allowance and Fee(s) Due and a Notice of Allowability ("Notice of Allowance"), which set a three-month statutory period for reply. In the absence of a timely filed response, the application was held abandoned on February 4, 2006. A Notice of Abandonment was mailed on April 7, 2006.

In the present petition, the practitioner requested that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Allowance.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice of Allowance, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication 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 MPEP 711.03(c)(I)(A). For

example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner for applicants submitted copies of docket records where the Notice of Allowance would have been entered had it been received and docketed. The practitioner attested to the fact that a search of the file jacket and docket records indicated that the Notice of Allowance was not received. Accordingly, applicants presented the required showing under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

On Track Innovations Ltd. submitted a Revocation and New Power of Attorney in this application on September 11, 2006; however, a different application number was indicated in the heading. It is unclear if the assignee desires to revoke all previous Powers of Attorney and appoint new practitioners to prosecute the application. Therefore, if this is the intention of the assignee, a new Revocation and Power of Attorney and change of correspondence address of record must be submitted as soon as possible, which identifies the correct information associated with this application.

Technology Center Art Unit 2914 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 and Fee(s) Due and a Notice of Allowability. The three (3) month statutory time period for responding to the Notices will be set to run from the mailing date of the new Notices.

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

Cc: BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

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OFFICE OF PETITIONS

HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

In re Application of	:	
Damon Oliver Casati Troutman	:	
Application No.: 29/216,576	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No: 20014/10066	:	

This is in response to the petition under 37 CFR 1.137(b) filed July 7, 2006.

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 and proper manner to the Notice of Allowance and Issue Fee Due mailed February 2, 2006, which set a shortened statutory period for reply of three-months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). A Request for Continued Examination (RCE) and Information Disclosure Statement were filed on April 17, 2006. By a letter mailed June 23, 2006, petitioner was informed that the RCE was improper because and that the correct course of action in a design application is a continued prosecution application (CPA). No further responses were filed within the allowable period and the application became abandoned on May 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(c).

The instant petition does not satisfy the requirement of items (1) and (4) above.

Item (1) above has not been satisfied because of the failure to file Form PTOL-85B with the instant petition authorizing payment of the issue fee. The request for continued prosecution application is noted, but the filing of the continued prosecution application does not eliminate the requirement to pay the issue fee in order for the application to be revived. Further to this point, section 711.03(c) of the Manual of Patent Examining Procedure provides, in pertinent part, that:

> While the revival of applications abandoned for failure to timely prosecute and for failure to timely pay the issue fee are incorporated together in 37 CFR 1.137, the statutory provisions for the revival of an application abandoned for failure to timely prosecute and for failure to timely submit the issue fee are mutually exclusive. See *Brenner v. Ebbert*, 398 F.2d 762, 157 USPQ 609 (D.C. Cir. 1968). 35 U.S.C. 151 authorizes the acceptance of a delayed payment of the issue fee, if the issue fee "is submitted ... and the delay in payment is shown to have been unavoidable." 35 U.S.C. 41(a)(7) likewise authorizes the acceptance of an "unintentionally delayed payment of the fee for issuing each patent." Thus, 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.

Accordingly, petitioner must pay the issue fee in order to revive the application.

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. 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. Any renewed petition filed must be accompanied by the completed terminal disclaimer form, which is enclosed for petitioner's convenience.

Deposit account 50-2455 will be charged $750.00 for the instant petition fee.

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
Attn: Office of Petitions

Telephone inquiries concerning this decision may 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
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HANLEY, FLIGHT & ZIMMERMAN, LLC
150 S. WACKER DRIVE
SUITE 2100
CHICAGO, IL 60606

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OCT 26 2007

OFFICE OF PETITIONS

In re Application of

Damon Oliver Casati Troutman

Application No. 29/216,576

Filed: November 5, 2004

Attorney Docket No. 20014/10066

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to respond in a timely and proper response to the Notice of Allowance and Issue Fee Due mailed February 2, 2006, which set a shortened statutory period for reply of three months from its mailing date. Extension of time were available pursuant to 37 CFR 1.136(a). A Request for Continued Examination (RCE) and Information Disclosure Statement were filed on April 17, 2006. A letter mailed June 23, 2006, informed petitioner that the RCE was improper and that the correct course of action in a design application is a continued prosecution application (CPA). No further responses were filed within the allowable period and the application became abandoned on May 3, 2006. A petition under 37 CFR 1.137(b) was first filed on May 3, 2006, and dismissed by a decision mailed March 1, 2007.

The request for continued prosecution application filed July 7, 2006, is noted.

The subject application is being revived for continuity purposes and is again abandoned in favor of the continued prosecution application.

The application file is being forwarded to Technology Center 2900, GAU 2613 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

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SUITE 2100
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of

:

Damon Oliver Casati Troutman

:

Application No. 29/216,576

: DECISION ON PETITION

Filed: November 5, 2004

Attorney Docket No. 20014/10066

This is a decision on the second renewed petition under 37 CFR 1.137(b), filed April 25, 2007, to revive the above-identified application.

The second renewed petition is **DISMISSED AS MOOT**.

This application became abandoned for failure to respond in a timely and proper response to the Notice of Allowance and Issue Fee Due mailed February 2, 2006, which set a shortened statutory period for reply of three months from its mailing date. Extension of time were available pursuant to 37 CFR 1.136(a). A Request for Continued Examination (RCE) and Information Disclosure Statement were filed on April 17, 2006. A letter mailed June 23, 2006, informed petitioner that the RCE was improper and that the correct course of action in a design application is a continued prosecution application (CPA). No further responses were filed within the allowable period and the application became abandoned on May 3, 2006. A petition under 37 CFR 1.137(b) was first filed on May 3, 2006, and dismissed by a decision mailed March 1, 2007. A renewed petition was then file on March 12, 2007, and granted on October 26, 2007.

The instant second renewed petition is dismissed as moot because the application was revived by the decision mailed October 26, 2007, and again abandoned in favor or the CPA filed July 7, 2006.

The application file is being directed to Technology Center 2900, GAU 2613 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
www.uspto.gov

NOV 17 2004

CISLO & THOMAS, LLP
233 WILSHIRE BLVD
SUITE 900
SANTA MONICA CA 90401-1211

In re Application of	:	
Lenny Sands	:	
Serial No.: 29/216,603	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 5, 2004	:	
For: Mugs	:	

This is in response to the Request for expedited examination applicant filed November 5, 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 (571)272-2975 or by facsimile transmission at (571)273-0275

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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NOV 17 2004

FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES CA 90017-2576

In re Application of Clayton R. Golliher Serial No.: 29/216,604 Filed: November 5, 2004 For: Object for the control of a remote controlled toy flying saucer through attitudinal orientation of the object	: : : : : : : : :	**REQUEST FOR EXPEDITED EXAMINATION**

This is in response to the Request for expedited examination applicant filed November 5, 2004 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CLAYTON R. GOLLIHER	)	Group Art Unit:
Serial No. Attny dkt. 7617-104	)	Examiner:
Filed: November 5, 2004	)	
For: OBJECT FOR THE CONTROL OF A REMOTE CONTROLLED TOY THROUGH ATTITUDINAL ORIENTATION OF PORTIONS THEREOF	)	

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
(37 CFR 1.155)

Mail Stop: By facsimile 5712730325
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant requests expedited examination of a design application under 37 CFR 1.155.

The additional fee was submitted with the application.

The presearch was conducted and the search report indicating classifications and the results thereof were submitted with the application in an IDS.

Formal drawings were also presented with the application.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: John D. McConaghy
Reg. No. 26,773

November 16, 2004
865 South Figueroa Street, 29th Floor
Los Angeles, CA 90017-2576
(213) 892-9200

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

NOV 17 2004

FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES CA 90017-2576

In re Application of	:	
Clayton R. Golliher	:	
Serial No.: 29/216,607	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 5, 2004	:	
For: Object for the control of a	:	
remote controlled toy through	:	
attitudinal orientation of the object	:	

This is in response to the Request for expedited examination applicant filed November 5, 2004 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle
Director
Technology Center 3700/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CLAYTON R. GOLLIHER	)	Group Art Unit:
	)	
Serial No. Attny dkt. 7617-103	)	Examiner:
	)	
Filed: November 5, 2004	)	
	)	
For: OBJECT FOR THE CONTROL OF A REMOTE CONTROLLED TOY THROUGH ATTITUDINAL ORIENTATION OF THE OBJECT	)	

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
(37 CFR 1.155)

Mail Stop: By facsimile 5712730325
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant requests expedited examination of a design application under 37 CFR 1.155.

The additional fee was submitted with the application.

The presearch was conducted and the search report indicating classifications and the results thereof were submitted with the application in an IDS.

Formal drawings were also presented with the application.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: John D. McConaghy
Reg. No. 26,773

November 16, 2004
865 South Figueroa Street, 29th Floor
Los Angeles, CA 90017-2576
(213) 892-9200

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

NOV 17 2005

FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES CA 90017-2576

In re Application of	:	
Clayton R. Golliher	:	
Serial No.: 29/216,608	:	**REQUEST FOR EXPEDITED**
Filed: November 5, 2004	:	**EXAMINATION**
For: Object for the control of a	:	
remote controlled toy through	:	
attitudinal orientation of the object	:	

This is in response to the Request for expedited examination applicant filed November 5, 2004 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 (571) 272-2975 or by facsimile transmission at (571) 273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CLAYTON R. GOLLIHER	)	Group Art Unit:
	)	
Serial No. Attny dkt. 7617-102	)	Examiner:
	)	
Filed: November 5, 2004	)	
	)	
For: OBJECT FOR THE CONTROL OF A REMOTE CONTROLLED TOY THROUGH ATTITUDINAL ORIENTATION OF THE OBJECT	)	

REQUEST FOR EXPEDITED EXAMINATION OF A DESIGN APPLICATION
(37 CFR 1.155)

Mail Stop: By facsimile 5712730325
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant requests expedited examination of a design application under 37 CFR 1.155.

The additional fee was submitted with the application.

The presearch was conducted and the search report indicating classifications and the results thereof were submitted with the application in an IDS.

Formal drawings were also presented with the application.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By: John D. McConaghy
Reg. No. 26,773

November 16, 2004
865 South Figueroa Street, 29th Floor
Los Angeles, CA 90017-2576
(213) 892-9200

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GREGORY J. NELSON
NELSON & ROEDIGER
SUITE 212
3333 E. CAMELBACK ROAD
PHOENIX, AZ 85018

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SEP 11 2006

OFFICE OF PETITIONS

In re Application of	:	
Kieren	:	
Application No. 29/216,611	:	DECISION ON PETITION
Filed: November 5, 2004	:	TO WITHDRAW
Attorney Docket No. 1042-D-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 5, 2006.

The request is **APPROVED**.

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

The request was signed by Gregory J. Nelson on behalf of all attorneys of record who are associated with this application.

All attorneys/agents associated with this application have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action that was mailed on June 16, 2006 that requires a response by the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Tamara Kieren
5581 South Miami Gardens
Miami, AZ 85539

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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE WI 53403-2236

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OFFICE OF PETITIONS

In re Application of :
Mary Beth Adams et al :
Application No. 29/216,619 : ON PETITION
Filed: November 5, 2004 :
Attorney Docket No. J-4138D2 :

This is a decision on the petition, filed April 27, 2006, 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 April 10, 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 27, 2006.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This matter is being referred to Technology Center AU 2911

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
MCCRACKEN & FRANK
200 W. ADAMS, SUITE 2150
CHICAGO IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
John Hlavacs	:	
Serial No.: 29/216,634	:	DECISION ON PETITION
Filed: November 5, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 5, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
John Hlavacs	:	
Serial No.: 29/216,634	:	DECISION ON PETITION
Filed: November 5, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 5, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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OFFICE OF PETITIONS

In re Patent No. D538,236	:	
Issue Date: March 13, 2007	:	
Application No. 29/216,658	:	ON PETITION
Filed: November 8, 2004	:	
Attorney Docket No. A7565.0027/P027	:	

This is a decision on the petition filed August 30, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to delete the name of an assignee to 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 Carl Friedman at (571) 272-6842. 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.

Carl Friedman
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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S.C. JOHNSON & SON, INC.
1525 HOWE STREET
RACINE, WI 53403-2236

In re Application of	:	
Mary Beth Adams et al	:	
Application No. 29/216,680	:	ON PETITION
Filed: November 5, 2004	:	
Attorney Docket No. J-4138D3		

This is a decision on the petition filed, April 27, 2006 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 April 10, 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 27, 2006.

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

This matter is being forwarded to Technology Center 2911 for processing of the CPA.

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Paul Eugene Caron	:	
Serial No.: 29/216,682	:	DECISION ON PETITION
Filed: November 5, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 5, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Paul Eugene Caron	:	
Serial No.: 29/216,682	:	DECISION ON PETITION
Filed: November 5, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 5, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William Douglas Young

Serial No.: To be assigned 29/216683

Filed: To be assigned

For: SIDE ELEMENT OF A SHOE UPPER

Examiner: To be assigned

Group Art Unit: 2900

Attorney Docket No.: 2465-6564US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994828257US

Date of Deposit with USPS: November 5, 2004

Person making Deposit: Chris Haughton

PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. SECTION 708.02 VIII

Mail Stop Design
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

11/10/2004 SHASSEN1 00000012 29216683
01 FC:1460 130.00 OP

Sir:

PETITION:

Applicant hereby petitions to make this new application, which has not received an examination by the Examiner, special.

CLAIMS:

In applicant's view, all of the claims of this application are directed to a single invention. If the Office determines that the application is not obviously directed to a single invention, then the applicant will make an election without traverse as a prerequisite to the grant of special status.

PETITION GRANTED

Richard Crispino
Special Program Examiner
TC 1700

MAR 16 2005

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

NOV 23 2004

KEVIN MARK KLUGHART
2516 LILLIAN MILLER PARKWAY
SUITE 115
DENTON TX 76210-7205

In re Application of	:	
David William Holmes	:	
Serial No.: 29/216,700	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 8, 2004	:	
For: Hearing Aid Eartip	:	

This is in response to the Request for expedited examination applicant filed November 8, 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 (571)272-2975 or by facsimile transmission at (571)273-0275

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 19, 2006

TO SPE OF : ART UNIT 2911 Cynthia Ramirez

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/216,702 Patent No.: D526,460S

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: _____

Cynthia Ramirez
CYNTHIA E. RAMIREZ
PRIMARY EXAMINER
AU 2911

Alan P. Douglas
ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2900

2911
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HUGO PIET HEIN
SKRILLINGE STRAND 64
MIDDELFART 5500 DK DENMARK

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DEC 2 0 2005

OFFICE OF PETITIONS

In re Application of
Hugo Piet Hein
Application No.29/216,746
Filed: November 9, 2004
Title of Invention: Bottle Opener

ON PETITION

This is a decision on the petition filed November 14, 2005 under 37 CFR 1.137(a).

The petition to revive under 37 C.F.R. § 1.137(a) is **DISMISSED**.

Any request for reconsideration 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(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on February 16, 2005. The Notice to File Missing Parts set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 17, 2005. A Notice of Abandonment was mailed on October 20, 2005.

Petitioner contends the Notice to File Missing Parts was not received.

Petition to revive under 37 CFR 1.137(a)

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,

[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.

(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3) and (4).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a).

The Office may revive an abandoned application if the delay in responding to the relevant outstanding office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable." See, 37 C.F.R. § 1.137(a)(3). Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" is applicable to ordinary human affairs, and requires no more greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case by case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). A petition to revive an application as unavoidably abandoned cannot be granted where petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2D 1130 (N.D. Ind. 1987).

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive 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. For example, if a two month period for reply was set in the nonreceived Notice of Missing Parts , a copy of the docket report showing all replies docketed for a date two months from the mail date of the nonreceived Notice of Missing Parts must be submitted as documentary proof of nonreceipt of the Notice of Missing Parts.[2] The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice to File Missing Parts may have been lost after receipt rather than a conclusion that the Notice to File Missing Parts was lost in the mail.

Where applicant is pro se applicant should demonstrate what system is in place upon receipt of communication from the USPTO. If applicant retains documents in a central location, makes use of a computer program or calendar such information as well as any accompanying evidence should be provided on renewed petition. A pro se

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[2]M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

applicant must state that the file was searched and that the communication in question has not been located. The Office is looking for applicant to make a showing that the communication was not lost after receipt.

The instant petition lacks item (4) the terminal disclaimer. 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.

Alternative Venue

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 C.F.R. § 1.137(b) must be accompanied by the required reply, the required 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 pursuant to 37 C.F.R. § 1.137(b) was unintentional.

The filing of a petition under 37 C.F.R. § 1.137(b) cannot be intentionally delayed, and therefore, must be filed promptly. A person seeking revival due to unintentional delay cannot 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 C.F.R. § 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 C.F.R. § 1.137(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 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 related 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

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

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

COPY MAILED
AUG 0 7 2006
OFFICE OF PETITIONS

In re Application of :
Hein :
Application No. 29/216,746 : DECISION ON PETITION
Filed: November 9, 2004 :
Title: Bottle Opener

This is a decision on the petition under 37 CFR §1.137(b) filed March 10, 2006 to revive the above-identified application.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on February 16, 2005. The Notice to File Missing Parts set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on April 17, 2005. A Notice of Abandonment was mailed on October 20, 2005. A petition filed under 37 CFR 1.137(a) was dismissed on December 20, 2005.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

Petitioner submitted a one (1) month request for extension of time. However, a one month extension of time is not required because the petition filed under 37 CFR 1.137(b) is not treated as a request for reconsideration of the petition dismissed under 37 CFR 1.137(a).

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

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 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Jean-Francois Fullum	:	
Serial No.: 29/216,786	:	DECISION ON PETITION
Filed: November 8, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 8, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Jean-Francois Fullum	:	
Serial No.: 29/216,786	:	DECISION ON PETITION
Filed: November 8, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 8, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Jean-Francois Fullum	:	
Serial No.: 29/216,789	:	DECISION ON PETITION
Filed: November 8, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 8, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

DEC 13 2004

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
Jean-Francois Fullum	:	
Serial No.: 29/216,789	:	DECISION ON PETITION
Filed: November 8, 2004	:	
For: Side Element of a Shoe Upper	:	

This is in response to the petition applicant filed on November 8, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

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

ROBERT IRELAND
PO BOX 273
BANKS OR 97106

COPY MAILED

FEB 23 2005

OFFICE OF PETITIONS

In re Application of
Craig Hargreaves
Application No. 29/216,802
Filed: November 10, 2004
Attorney Docket No. HARG 10-04

: DECISION DISMISSING PETITION

This is a decision on the paper filed January 28, 2005, in response to the "Notice To File Missing Items In a Nonprovisional Application" (Notice) mailed December 10, 2004. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee has been increased from $130.00 to $400.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $270.00 has been submitted. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees 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 regarding 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

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MAR 2 1 2005
PATENT & TRADEMARK OFFICE

ROBERT IRELAND
PO BOX 273
BANKS OR 97106

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FEB 2 3 2005

OFFICE OF PETITIONS

In re Application of
Craig Hargreaves
Application No. 29/216,802
Filed: November 10, 2004
Attorney Docket No. HARG 10-04

DECISION DISMISSING PETITION

This is a decision on the paper filed January 28, 2005, in response to the "Notice To File Missing Items In a Nonprovisional Application" (Notice) mailed December 10, 2004. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee has been increased from $130.00 to $400.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $270.00 has been submitted. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees 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 regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Adjustment date: 03/22/2005 AWONDAF1
02/01/2005 WASFAW1 00000081 29216802
01 FC:1464 -130.00 OP

03/22/2005 AWONDAF1 00000012 29216802
01 FC:1462 400.00 OP

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

OIPE
MAR 2 1 2005
PATENT & TRADEMARK OFFICE

Ireland at Law

P.O. Box 273
Banks, Oregon 97106
Phone: (503) 324-1500
Fax: (503) 324-0720
irelandatlaw@aol.com

Robert J Ireland - Oregon Attorney
Registered Patent Attorney
Leah Wing - Patent Research Assistant
Keith Baas - Legal Assistant

March 15, 2005

Mail Stop Petitions
Attn: Patricia Faison-Ball
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RE: Application Number 29/216,802

Dear Mrs. Faison-Ball:

Enclosed you will find a check in the amount of $270.00 for the outstanding fees needed for the patent petition. Please let this letter serve as official request for reconsideration for the above mentioned patent application.

If there is anything else needed at this time, please contact my office. Thank you for your attention to this matter.

Sincerely,

Robert Ireland
Attorney at Law

RJI/ljw

Enclosure: Check for $270

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 IRELAND
PO BOX 273
BANKS OR 97106

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FEB 24 2005

OFFICE OF PETITIONS

In re Application of
Craig Hargreaves
Application No. 29/216,803
Filed: November 10, 2004
Attorney Docket No. HARG 12-04

: DECISION DISMISSING PETITION

This is a decision on the paper filed January 28, 2005, in response to the "Notice To File Missing Items In a Nonprovisional Application" (Notice) mailed December 10, 2004. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee has been increased from $130.00 to $400.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $270.00 has been submitted. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees 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 regarding 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

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MAR 2 1 2005
PATENT & TRADEMARK OFFICE

ROBERT IRELAND
PO BOX 273
BANKS OR 97106

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FEB 2 4 2005

OFFICE OF PETITIONS

In re Application of
Craig Hargreaves
Application No. 29/216,803
Filed: November 10, 2004
Attorney Docket No. HARG 12-04

DECISION DISMISSING PETITION

This is a decision on the paper filed January 28, 2005, in response to the "Notice To File Missing Items In a Nonprovisional Application" (Notice) mailed December 10, 2004. The response is treated as a petition under 37 CFR 1.182.

The petition is **DISMISSED**.

Effective November 22, 2004, the petition fee has been increased from $130.00 to $400.00. Therefore, since the fees submitted are deficient and since no deposit account has been authorized, this petition cannot be treated on the merits and will not receive any consideration until such time as $270.00 has been submitted. See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

The application will be retained in the Office of Petitions for two months after which time if the fees have not been submitted, the application will be forwarded to the Office of Initial Patent Examination and the proceedings terminated. A request for reconsideration with the appropriate fees should be addressed as follows:

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

Adjustment date: 03/22/2005 AWONDAF1
02/03/2005 EHAILE1 00000080 29216803
01 FC:1464 -130.00 OP

By FAX: (703) 872-9306
Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

03/22/2005 AWONDAF1 00000013 29216803
01 FC:1462 400.00 OP

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

OIPE JC101
MAR 2 1 2005
PATENT & TRADEMARK OFFICE

Ireland at Law

P.O. Box 273
Banks, Oregon 97106
Phone: (503) 324-1500
Fax: (503) 324-0720
irelandatlaw@aol.com

Robert J Ireland - Oregon Attorney
Registered Patent Attorney
Leah Wing - Patent Research Assistant
Keith Baas - Legal Assistant

March 15, 2005

Mail Stop Petitions
Attn: Patricia Faison-Ball
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RE: Application Number 29/216,803

Dear Mrs. Faison-Ball:

Enclosed you will find a check in the amount of $270.00 for the outstanding fees needed for the patent petition. Please let this letter serve as official request for reconsideration for the above mentioned patent application.

If there is anything else needed at this time, please contact my office. Thank you for your attention to this matter.

Sincerely,

Robert Ireland
Attorney at Law

RJI/ljw

Enclosure: Check for $270

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.

Attention: Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017

COPY MAILED
NOV 0 2 2006
OFFICE OF PETITIONS

In re Application of	:	
Sandra Choi	:	
Application No. 29/216,808	:	DECISION ON PETITION
Filed: November 9, 2004	:	
Atty Docket No. JCHO 0422939	:	

This is in response to the FEE DEFICIENCY ITEMIZATION AND PAYMENT UNDER 37 C.F.R. §1.28(c) filed August 21, 2006, notifying the Office of loss of entitlement to small entity status and requesting acceptance of a fee deficiency submission as provided for in 37 CFR 1.28.

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

The instant request included an itemization and payment of $665 (and an authorization to charge any required fees) for the deficiency in payment of the filing fee and the issue fee. However, the deficiency in these payments at the rates in effect on the date of payment, August 21, 2006, totals $750. The balance has been charged to the Deposit Account as authorized.

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

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

GIAN MARIA GASPAROTTO
VIA VIGOMOVESE, 17B
SAOMARA (PD) IT ITALY

MAR 2 7 2008

In re Application of
GASPAROTTO, GIAN MARIA :
Application No. 29/216,818 : **DECISION ON PETITION**
Filed: September 07, 2005 :
Attorney Docket No. 7772051/GC22 :

This is a response to the communication received in the United States Patent and Trademark Office (USPTO) on March 19, 2008. Petitioner request withdrawal of the Notice of Abandonment. The communication is being treated as a Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181.

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 pay issue fee as required in the Notice of Allowability mailed October 22, 2007 which set a three (3) month statutory period for reply. The Notice of Abandonment was mailed on February 27, 2008.

Petitioner states that their office has no such record of the Notice of Abandonment. And, that contents of their response to the Notice of Allowance included the drawing corrections, along with Part B, the issue fee and cover letter dated September 22, 2004.

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.

Unfortunately, correspondence received from foreign countries does not receive the benefits of 37 CFR 1.8.

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 1.13(a), a petition for the revival of an ***unavoidably*** abandoned
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally***

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 703-308-9250 ext. 154.

Anita Greene
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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OCT 18 2006
OFFICE OF PETITIONS

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of :
Daniel Perella et al :
Application No. 29/216,845 : ON PETITION
Filed: November 10, 2004 :
Attorney Docket No. 039603-0311696

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 August 26, 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 2914 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

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

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AUG 15 2007

OFFICE OF PETITIONS

PILLSBURY WINTHROP SHAW PITTMAN, LLP
ERIC S. CHERRY – DOCKETING SUPERVISOR
P.O. BOX 10500
MCLEAN, VA 22102

In re Application of	:
Daniel Perella et al	: DECISION GRANTING PETITION
Application No. 29/216,845	: UNDER 37 CFR 1.313(c)(3) (CPA)
Filed: November 10, 2004	:
Attorney Docket No. 039603-0311696	:

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 10, 2006 and supplemented on August 10, 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 August 26, 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 August 10, 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 2914 for processing of the CPA.

Irvin Dingle
Petition Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/27/09

TO SPE OF : ART UNIT 2914

SUBJECT : Request for Certificate of Correction for Appl. No.: 29216845
Patent No.: D561462

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)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

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**

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
DIW Jul-05

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

COPY MAILED
JUL 11 2005
OFFICE OF PETITIONS

In re Application of	:	
Chikako Ikeda	:	
Application No. 29/216,878	:	ON PETITION
Filed: 10 November, 2004	:	
Atty Docket No. Q84629	:	

This is a decision on the petition filed on 13 June, 2005, requesting that the above-identified application be accorded a filing date of 10 November, 2004, with Figure 7 described in the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 10 November, 2004.

Accordingly, on 12 April, 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 10 November, 2004, but that Figure 7 described in the specification appeared to have been omitted.

In response, on 13 June, 2005, the present petition and a copy of, *inter alia*, seven (7) sheets of drawings containing Figures 1-7 described in the specification were filed. Petitioner argues that the sheet of drawings containing Figure 7 was filed with the other application papers on 10 November, 2004, 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 10 November, 2004, and identifies the application by the inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*,

seven (7) sheets of drawings. Petitioner requests that the application, including one (1) sheet of drawings containing Figure 7 described in the specification, be accorded a filing date of 10 November, 2004.

A review of the record reveals that no sheet of drawings containing Figure 7 described in the specification has been located among the six (6) sheets of drawings deposited with the application papers received on 10 November, 2004. However, the evidence is convincing that the application papers deposited on 10 November, 2004, included seven (7) sheets of drawings, one of which included Figure 7 described in the specification, which was subsequently misplaced in the Office. Therefore, the application, including one (1) sheet of drawings containing Figure 7 described in the specification, is entitled to a filing date of 10 November, 2004.

The "Notice" mailed on 12 April, 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. 19-4880, as authorized in the present petition.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 7 supplied on 13 June, 2005, as a part of the original disclosure. The copies of the other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the official file.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 10 November, 2004, using the application papers filed on that date, and the one (1) sheet of drawings containing Figure 7 supplied with the present petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO IL 60606

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Sander :
Application No. 29/216,923 : ON PETITION
Filed: November 10, 2004 :
Attorney Docket No. 93253 :
For: PUSH BROOM AND SQUEEGEE COMBINATION

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2006 (certificate of mailing date April 26, 2006), to revive the above-identified application.

Applicant failed to properly reply to the *Ex parte Quayle* Office action mailed April 21, 2005, which set a shortened statutory period for reply of two (2) months. Applicant submitted an amendment on May 23, 2005 (certificate of mailing date May 19, 2005). The Office mailed a letter on June 6, 2005, informing applicant that the May 23, 2005 reply was *bona fide*, but not fully responsive. The Office set a one month or thirty day period (whichever was longer) to reply. Extensions of time were permissible. On June 20, 2005, applicant filed an amendment. Again, the Office mailed a letter stating the June 20, 2005 amendment was not responsive. No new period was set for reply. On July 26, 2005, applicant mailed a request for a two month extension of time and fee and an amendment. As was explained in the April 21, 2006 Notice of Abandonment, the July 26, 2005 amendment was not acceptable. Accordingly, the application became abandoned on September 7, 2005.

Petitioner has submitted an amendment, an acceptable statement of the unintentional nature of the delay in responding to the June 6, 2005 letter, the required petition fee, and a terminal disclaimer and required fee.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center AU 2911 for consideration of the amendment filed on May 2, 2006 (certificate of mailing date April 26, 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

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

NOV 23 2004

Attention: Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017

In re Application of	:	
Sandra Choi	:	
Serial No.: 29/216,952	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 10, 2004	:	
For: Shoe (Charli)	:	

This is in response to the Request for expedited examination applicant filed November 10, 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 (571)272-2975 or by facsimile transmission at (571)273-0275

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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Commissioner for Patents
United States Patent and Trademark Office
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FEB 14 2007

OFFICE OF PETITIONS

LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

In re Patent No. D516794 :
Issue Date: March 14, 2006 :
Application No. 29/216,952 : NOTICE
Filed: November 10, 2004 :
Attorney Docket No. JCHO 0422940

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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FEB 21 2007

OFFICE OF PETITIONS

LAWRENCE E. APOLZON
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

In re Patent No. D513846 :
Issue Date: January 31, 2006 :
Application No. 29/216,953 : NOTICE
Filed: November 10, 2004 :
Attorney Docket No. JCHO 0422941

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

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JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of

Axinte, et al.

Application No. 29/217,022

Filing Date: November 8, 2004

Attorney Docket No. KIML123888

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed September 18, 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 28, 2006. 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 29, 2006. A Notice of Abandonment was mailed on August 1, 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.

The request to change the correspondence address, filed September 18, 2006, is noted, but cannot be made of record.

The person signing the instant petition requests a change of correspondence address to the address given in the instant petition. There is, however, no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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"

cc:
Michael Oblon
Perkins Coie, LLP
607 Fourteenth Street, NW
Washington, DC 20005-2011

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.

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PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of

Axinte, et al.

Application No. 29/217,022

Filed: November 8, 2004

Attorney Docket No. KIML123888

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 31, 2007, 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 February 28, 2006, which set a statutory period for reply of three (3) months from its mailing date. Accordingly, the application became abandoned on May 29, 2006. A Notice of Abandonment was mailed August 1, 2006. A petition under 37 CFR 1.137(b) was filed on September 18, 2006, and dismissed by a decision mailed January 31, 2007. The instant renewed petition was filed on May 31, 2007, with a request for extension of time within the second month.

The terminal disclaimer, filed May 31, 2007, is noted.

The issue fee payment is noted as being received on September 18, 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

Enclosure: "Notice Regarding Change of Power of Attorney"
"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
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/217,022	11/08/2004	Dragos Axinte	KIML123888

CONFIRMATION NO. 9861

OC000000024462187

25096
PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Date Mailed: 06/21/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2007.

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.

Kenya A. Tufaley

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/217,022	11/08/2004	Dragos Axinte	KIML123888

CONFIRMATION NO. 9861

OC000000024462142

26389
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Date Mailed: 06/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2007.

- 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).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
NEW ATTORNEY/AGENT COPY

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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
29/217,022	11/08/2004	Dragos Axinte	KIML123888

CONFIRMATION NO. 9861

OC000000024462142

26389
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

Date Mailed: 06/21/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/31/2007.

- 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).

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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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
29/217,055	11/11/2004	2914	350	2651-324	18	1	1

CONFIRMATION NO. 9584

CORRECTED FILING RECEIPT

OC000000016677353

22442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

Date Mailed: 08/02/2005

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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. 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)

Roger Pedlar, Lakewood, CO;

Power of Attorney: The patent practitioners associated with Customer Number **22442**.

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/09/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/217,055

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Floor treatment device

Preliminary Class

D32

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

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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Application Docket No.: 2651-324

Applicant: Pedlar

Title or Mark: "FLOOR TREATMENT DEVICE"

Serial/Reg. No.:

Filed/Issued Date:

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[X] Express Mail No.: EV 539130760

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____ # of Pages in Specification
____ # of Pages in Claims
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LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

Design Pat. App. Transmittal, Design Pat App., Drawings, Power of Attorney and Declaration

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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
29/217,090	11/12/2004	2913	350	01621.89196	4	1	1

CONFIRMATION NO. 9930

CORRECTED FILING RECEIPT

OC000000014965917

24335
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET, N.W.
GRAND RAPIDS, MI 49503-2487

Date Mailed: 01/14/2005

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)

Tuan N. Le, Portland, OR;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 12/09/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US29/217,090

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Footwear upper

Preliminary Class

D02

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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OFFICE OF PETITIONS

In re Application of	:	
Desmond T. Curran et al	:	
Application No. 29/217,156	:	ON PETITION
Filed: November 12, 2004	:	
Attorney Docket No. 60026US002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 17, 2006, 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 October 27, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 28, 2006.

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

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In re Application of Duane A. Schmidt, Allan R. Steinkuhl, and Joseph L. Coleman Application No. 29/217,208 Filed: November 12, 2004 Attorney Docket No. US20020318-1 Title: COMPACTOR	DECISION ON PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the petition submitted on July 3, 2006, under 37 C.F.R. §1.47(a)[1].

On November 12, 2004, the application was deposited, identifying Duane A. Schmidt, Allan R. Steinkuhl, and Joseph L. Coleman as

---

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 C.F.R. §1.63.

joint inventors. On April 4, 2006, Applicant was mailed a non-final Office action, which indicated that a substitute oath or declaration would be required.

With the present petition, Petitioner's representative has submitted the petition fee, the associated surcharge, and a declaration that has been executed by each of the joint inventors save Mr. Schmidt. Petitioner's representative has met requirements (1), (2), and (5) of Rule §1.47(a). The second requirement is not applicable.

Regarding the third requirement of Rule §1.47(a), Petitioner's representative has failed to include a statement of the last known address of the non-signing inventor[2].

Regarding the fourth requirement of Rule §1.47(a), it does not appear that Petitioner's representative has sent a complete copy of the application to the non-signing inventor. Petitioner's representative has indicated that Mr. Schmidt signed the original declaration. It is noted that Mr. Schmidt signed this declaration on February 5, 2003, and that he orally refused to execute the substitute declaration on June 20, 2006.

While it is possible that Mr. Schmidt retains a copy of the application that was provided to him more than three years prior, it is equally possible that he has since disposed of it or misplaced it. Furthermore, it does not appear that the declaration that Mr. Schmidt has executed is associated with the present application. As such, Petitioner's representative has shown that a complete copy of the application was *not* provided to the non-signing inventor recently, for his review.

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 C.F.R. §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[3].

As such, this petition under 37 C.F.R. §1.47(a) must be **DISMISSED.**

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2 See MPEP 409.03(e).
3 In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

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. §1.47(a)". 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's representative is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[7]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

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

---

4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300- please note this is a central facsimile number.
7 Petitioner's representative 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's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.

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OFFICE OF PETITIONS

In re Application of Duane A. Schmidt, Allan R. Steinkuhl, and Joseph L. Coleman Application No. 29/217,208 Filed: November 12, 2004 Attorney Docket No. US20020318-1 Title: COMPACTOR	DECISION ON RENEWED PETITION UNDER 37 C.F.R. §1.47(A)

This is in response to the renewed petition submitted on March 28, 2007, under 37 C.F.R. §1.47(a)[1].

On November 12, 2004, the application was deposited, identifying Duane A. Schmidt, Allan R. Steinkuhl, and Joseph L. Coleman as joint inventors. On April 4, 2006, Applicant was mailed a non-

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1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $200;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(f);
(3) a statement of the last known address of the non-signing inventors;
(4) either
a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
b) proof that the non-signing inventor cannot be found or reached after diligent effort;
(5) a declaration which complies with 37 C.F.R. §1.63.

final Office action, which indicated that a substitute oath or declaration would be required.

The original petition was submitted on July 3, 2006, and was dismissed via the mailing of a decision on February 2, 2007. The decision on the original petition set forth that Petitioner had met requirements (1), (2), and (5) of Rule §1.47(a), and that the second requirement was not applicable. Petitioner had failed to include a statement of the last known address of the non-signing inventor and, and had failed to establish that a complete copy of the application had been sent to the non-signing inventor.

With this renewed petition, Petitioner has corrected these deficiencies. Therefore, this renewed petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

Petitioner has submitted $200 with this renewed petition, however there is no fee associated with the filing of the same. Consequently, the fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

As provided in Rule §1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address given on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. 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

---

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.

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Duane A. Schmidt
P.O. Box 154
Madison, IN 47250

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OFFICE OF PETITIONS

In re Application of Duane A. Schmidt, Allan R. Steinkuhl, and Joseph L. Coleman Application No. 29/217,208 Filed: November 12, 2004 Attorney Docket No. US20020318-1 Title: COMPACTOR	:	LETTER

Dear Mr. Schmidt:

You are named a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. §1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests for

information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

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

cc: WHIRLPOOL PATENTS COMPANY - MD 0750
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DESIGN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Sean M. MCDOWELL	Group Art Unit: TBA 2912
Serial No.: 29/217,221	Examiner: TBA Simone, C.
Filed: November 16, 2004	Attorney Docket No.: 015127.00372
For: **PORTION OF A SHOE UPPER**	

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)
AND SUPPORTING INFORMATION DISCLOSURE STATEMENT

PETITION GRANTED
William Krynski
Special Program Examiner
TC 1700
FEB 18 2005

U.S. Patent & Trademark Office
220 20th Street, South
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Dear Sir:

Attorney for Applicant hereby petitions the Commissioner to make this application special under 37 C.F.R. §1.102(d) and under the guidelines of M.P.E.P. §708.02(VIII).

A pre-examination search was conducted at the U.S. Patent and Trademark Office by Mr. Tuan Nguyen, a professional searcher with PatPro, Suite 309A, Crystal Plaza One, 2001 Jefferson Davis Highway, Arlington, VA 22202. The search was conducted in the following class and subclasses: D2/896, 902, 907, 908, 943, 944, 969, 972, 973 and 974. Primary Examiner Dominic Simone of Group 2900 was consulted for the search at the U.S. Patent and Trademark Office. A search was also conducted at the law firm of Banner & Witcoff, Ltd., by Ms. Elizabeth Koch, of the design team, through a collection of patents

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CHARLES N.J. RUGGIERO, ESQ.
OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
10TH FLOOR
ONE LANDMARK SQUARE
STAMFORD, CT 06901-2682

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OFFICE OF PETITIONS

In re Application of :
Brenda Po Kwan Yue :
Application No. 29/217,258 : ON PETITION
Filed: November 15, 2004 :
Attorney Docket No.: **894.0001USD3** :

This is a decision on the petition filed February 5, 2005.

The petition is **dismissed**.

The application was filed on November 15, 2004. On February 2, 2005, the Office of Initial Patent Examination mailed a Notice of Omitted Items of Non-provisional Application ("Notice") stating that the application had been accorded a filing date of November 15, 2004, but that Figures 1 and 2, as described in the specification, appeared to have been omitted.

In response, on February 8, 2005, applicant filed the omitted figures and the instant petition arguing that the subject application made a claim of priority to a prior filed application that included Figures 1 and 2, and, therefore, Figures 1 and 2 should be considered present on filing.

The argument that petitioner makes is akin to protections offered by the incorporation by reference procedures. 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 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 applications(s) will permit an applicant to amend continuation application to include any subject matter in such prior application(s), without the need for a petition. See MPEP 201.06(c). In this case, the petitioner did not include an incorporation by reference statement in the application, rather petitioner relies on the priority claim. Effective September 21, 2004, 37 CFR 1.57 allows a priority claim to a prior-filed application to be considered an incorporation by reference statement allowing for the incorporation of the prior filed application as to inadvertently omitted portion of the specification of drawings. When using 37 CFR 1.57, applicant's are required to amend the application to include the inadvertently omitted material, and supply a copy of the prior-filed application and identify where the inadvertently omitted portion of the drawing can be found in the prior-filed application.

It is noted that 37 CFR 1.57(a)(3) indicates that if the application is not otherwise entitled to a filing date under 37 CFR 1.53(b), the amendment must be by way of the petition. This application was determined to be entitled to a filing date, however. Accordingly, a petition is not required to amend the application pursuant to 37 CFR 1.57. The petition is dismissed, accordingly.

In view of the priority claim that is considered to be an incorporation by reference of the prior application, Figures 1 and 2 are not new matter if they were part of the disclosure of the prior application. Figures 1 and 2 filed with the instant petition will not be processed, but will be retained in the application file.

Applicant should file a preliminary amendment pursuant to 37 CFR 1.57 requesting entry of the figures prior to the first action on the merits.

As this petition was necessitated by applicants' filing error, rather than an error on the part of the Office, the petition fee will not be refunded.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of November 15, 2004, using only the application papers filed on that date.

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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OFFICE OF PETITIONS

In re Application of :
Heinrich Henssler, et al. :
Application No. 29/217,326 :
Filed: November 15, 2004 :
Patent No. D529,931 :
Issue Date: October 10, 2006 :
Attorney Docket No. 304-845 :

DECISION DISMISSING PETITION

This is a decision on the communication filed January 5, 2005, which is being treated as a petition under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of November 16, 2004, instead of the presently accorded date of November 15, 2004. The delay in responding is regretted; but the petition was only recently referred to the Office of Petitions for consideration.

The petition is **DISMISSED**.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on November 16, 2004. While petitioner directs the Office to "see" the enclosed Express Mail label, the copy of the Express Mail label contains blurred text and is generally not legible. In fact, the Express Mail label number cannot be read. Further, the Express Mail label number is not recited in the petition and cannot be compared to the Express Mail label number found on the Application Transmittal Letter found in the file.

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in" and of any other official notation by the USPS relied upon to show the date of deposit.

The present petition fails to include item (3) above. Accordingly, the petition is **DISMISSED**. Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and 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

In re Application of	:	
Heinrich Henssler, et al	:	
Application No. 29/217,326	:	DECISION GRANTING PETITION
Filed: November 16, 2004	:	
Attorney Docket No. 304-845	:	

This is a decision on the renewed petition filed January 8, 2007, requesting that the above-identified application be accorded a filing date of November 16, 2004, instead of the presently accorded date of November 15, 2004.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in "Express Mail" service with the U.S. Postal Service, on November 16, 2004. In support, petitioners provide, inter alia, a copy of the Express Mail label, receipt no. EV 600049892 US. The same Express Mail receipt number was referred to in the transmittal letter found in the file. It is noted that while the "date in" on the copy of the Express Mail label includes a hand written date of "11-15-04", it also includes a "West Palm Beach, FL GMF Window USPS" receipt stamp dated November 16, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on November 16, 2004.

The application is being referred to the Office of Initial Patent Examination (OIPE) to correct the filing date to **November 16, 2004** and issue a corrected filing receipt.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : January 24, 2006

TO SPE OF : ART UNIT 2915

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/217344 Patent No.: D533524 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: _____

Gary D. Walton — **SPE**

2915 — **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

July 21, 2006

FILE COPY

Patent No. : US D,519,375 S
Ser. No. : 29/217345
Inventor(s) : Brooks
Issued : April 25, 2006
Title : **POLYGONAL SUSCEPTOR TRAY**
Docket No. : **0820-0447-Brooks**

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 Rules 1.322/1.323.

Respecting the alleged error in **column 2, line 11-12, (under U.S. Patent Documents)** is printed in accordance with the record. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 Code of Federal Regulation (C.F.R.) 1.322/1.323.

The statutory fee for consideration of applicant's error(s), did not accompany your request under 37 CFR Rule 323. Therefore, before action may be taken on your request under the noted rule, the statutory fee of $100 will have to be submitted by you.

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

Further consideration will be given upon receipt of a Request for Reconsideration, which should be directed to Decisions and Certificate of Correction Branch. Requests for Reconsideration should be accompanied by additional support (e.g. copy of amendments, post card receipts. PTOL 1449 OR 892,etc.), containing requested data or changes) and /or brief statements of facts, as requested.

Elisha Evans for
Cecelia Newman, Supervisor
Decisions and Certificates of Correction
(703) 308-9390 ext. 110

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

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

MAY 25 2005

In re Application of	:	
SMITH.	:	
Serial Number: 29/217,375	:	PETITION UNDER
Filed: November 17, 2004	:	M.P.E.P.708.02 VIII
For: PORTION OF A SHOE UPPER	:	

This is in response to the petition filed February 10, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 1-10-08

TO SPE OF : ART UNIT 2913

SUBJECT : Request for Certificate of Correction on Patent No.: D 536760 (29/212400

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.

Please reply A/S/A/P (Drawings)

E. Jones

Thank You For Your Assistance

Certificates of Correction Branch 124
Tel. No. 703-308-9390 ext.

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
SPE

293
Art Unit

CARON D. VEYNAR
SUPERVISORY PATENT EXAMINER

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

NOV 23 2004

Attention: Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York NY 10017

In re Application of	:	
Sandra Choi	:	
Serial No.: 29/217,409	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 16, 2004	:	
For: Shoe (Chive/Clue)	:	

This is in response to the Request for expedited examination applicant filed November 16, 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 (571)272-2975 or by facsimile transmission at (571)273-0275

John E. Kittle

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

Attention: Lawrence E. Apolzon, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

COPY MAILED

APR 0 2 2007

OFFICE OF PETITIONS

NOTICE

In re Patent No. D512207 :
Issue Date: December 6, 2005 :
Application No. 29/217,409 :
Filed: November 16, 2004 :
Attorney Docket No. JCHO 0422621 :

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) 272-3222.

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

EDWARD P. DUTKIEWICZ
640 DOUGLAS AVENUE
DUNEDIN, FL 34698

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AUG 1 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Andrea Koroluk	:	
Application No. 29/217,470	:	DECISION GRANTING PETITION
Filed: November 17, 2004	:	
Attorney Docket No.	:	

This is a decision on the petition filed July 11, 2005, requesting that the above-identified application be accorded a filing date of November 17, 2004.

The petition is **granted**.

On November 17, 2004, the above-identified application was filed. On June 27, 2005, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" (the "Notice"), stating that the application had not been accorded a filing date because no specification was found and the specification did not contain at least one claim. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on July 11, 2005, applicant filed the present petition and a copy of the complete specification and a postcard receipt date-stamped by the Office acknowledging having received 1 page of the specification on March 29, 2005, among other items. The postcard did not indicate that any claims were filed. The evidence is convincing that one page of specification was received on November 17, 2004; however, a review of the record did not reveal any claims as required.

It is noted that 37 CFR 1.53(b), provides, that the filing date for a non-provisional application, with some exception, is the date on which a specification as prescribed by 37 CFR 112 containing a description pursuant to 37 CFR 1.71 and at least on claim pursuant to 37 CFR 1.75, and any drawings required by 37 CFR 1.81(a) are filed with the Patent and Trademark Office. A review of the application file did not reveal a formal claim. It is noted, however, that the application papers deposited on November 17 2004, 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 the "BUCKLE", the specification of which is attached.

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 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 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 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 November 17, 2004.

Accordingly, petitioner is given **TWO MONTHS** from the date of this decision to file an amendment adding a formal claim to the specification filed November 17, 2004. Failure to file the required necessary amendment will result in the abandonment of the application. The time period may be extended pursuant to 37 CFR 1.136(a). The amendment should be directed to the attention of Office of Initial Patent Examination

The application file will be directed to the Office of Initial Patent Examination for further processing with a filing date of November 17, 2004. The Office of Initial Patent Examination will issue a corrected filing receipt.

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

Kenya A. McLaughlin

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

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NOV 24 2006
OFFICE OF PETITIONS

RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

In re Application of Gamarra :
Application No. 29/217,512 : Decision on Petition
Filing Date: November 19, 2004 :
For: Bottle :

This is a decision on the petition filed August 11, 2006, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Facts:

A Notice of Allowance and a Notice of Allowability were mailed March 16, 2006.

The Notice of Allowance set a statutory period for reply of three (3) months and required the submission of $400 for the issue fee along with the return of the sheet titled, "PART B - FEE(S) TRANSMITTAL."

The Office failed to receive a reply to the Notice of Allowance.

A Notice of Abandonment was mailed August 1, 2006.

Petitioner contends the papers mailed March 16, 2006, were never received.

Discussion:

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition must establish the chance the Notice was lost after receipt at the address of record is less than the chance the Notice was lost prior to being delivered to the address of record.

The *current* evidence of record is insufficient to prove non-receipt of the papers mailed March 16, 2006. Petitioner should provide a more detailed discussion of how mail is handled upon receipt. Who brings mail in from the mailbox? Who sorts the mail? If the Notice had been received, what steps would have been taken? Would the Notice have been placed in a specific

location such as a file being kept for the application? If yes, has petitioner searched the file to ensure the Notice is not present?

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. 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 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 papers mailed March 16, 2006

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 03/16/2006

RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

EXAMINER
MORRIS, SANDRA L

ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 03/16/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/217,512	11/19/2004	Richard D. Gamarra		8995

TITLE OF INVENTION: BOTTLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	06/16/2006

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. 01/06) 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 (571)-273-2885

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 03/16/2006

RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

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 (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/217,512	11/19/2004	Richard D. Gamarra		8995

TITLE OF INVENTION: BOTTLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$400	$0	$400	06/16/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
MORRIS, SANDRA L	2912	D09-652000

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.
29/217,512	11/19/2004	Richard D. Gamarra		8995

7590 03/16/2006

RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

EXAMINER
MORRIS, SANDRA L

ART UNIT	PAPER NUMBER
2912	

DATE MAILED: 03/16/2006

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 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 01/06) Approved for use through 04/30/2007.

Notice of Allowability	Application No.	Applicant(s)	
	29/217,512	GAMARRA, RICHARD D.	
	Examiner	Art Unit	
	Sandra Morris	2912	

-- 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 *allowed*.

3. ☐ 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.

4. ☐ 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.

5. ☐ 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).

6. ☐ 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.

For consistency, the title has been amended throughout the application, original oath or declaration excepted, to read: Bottle.

The claimed design is patentable over the references cited.

The references are cited as cumulative art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Morris, whose telephone number is (571) 272-2622. The examiner can normally be reached on Monday-Thursday from 7 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stella Reid, can be reached at (571) 272-2656. The official FAX phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SM
3/14/06

Sandra

Sandra Morris
Primary Examiner
Group Art Unit 2912

Notice of References Cited	Application/Control No. 29/217,512	Applicant(s)/Patent Under Reexamination GAMARRA, RICHARD D.	
	Examiner Sandra Morris	Art Unit 2912	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-D476,237	06-2003	Canepa, Sergio Cesare	D9/545
*	B	US-D412,837	08-1999	Blackburn, John	D9/667
*	C	US-D202,480	10-1965	Marianai Jr.	D9/667
*	D	US-D410,839	06-1999	Nakano, Megumi	D9/663
*	E	US-D477,231	07-2003	Muller, Urs	D9/545
*	F	US-D362,385	09-1995	Wacker, Susan R.	D9/669
*	G	US-D339,292	09-1993	Fareri et al.	D9/545
*	H	US-D319,971	09-1991	Rhodes, Christopher D.	D9/505
*	I	US-D91,372	01-1934	Stein	D9/545
	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.

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Alexandria, VA 22313-1450
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SEP 0 6 2007

OFFICE OF PETITIONS

RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

In re Application of Gamarra :
Application No. 29/217,512 : Decision on Petition
Filing Date: November 19, 2004 :
For: Bottle :

This is a decision on the petition filed July 30, 2007, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed.**

Prior history pertaining to a prior application:

A prior application, application no. 29/190,281, was filed September 22, 2003. The correspondence address associated with the prior application was identical to the correspondence address associated with the instant application.

The Office mailed an Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), on July 23, 2004.

A reply was filed August 9, 2004.

The Office mailed a final Office action on October 25, 2004.

The Office mailed a Notice of Abandonment on May 24, 2005.

Prior history pertaining to the instant application:

The instant application was filed November 19, 2004.

A Notice to File Missing Parts was mailed December 20, 2004.

A reply was filed January 4, 2005.

A Notice of Allowance and a Notice of Allowability were mailed March 16, 2006.

The Notice of Allowance set a statutory period for reply of three (3) months and required the submission of $400 for the issue fee along with the return of the sheet titled, "PART B - FEE(S) TRANSMITTAL."

The Office failed to receive a reply to the Notice of Allowance.

A Notice of Abandonment was mailed August 1, 2006.

Petitioner filed a petition to withdraw the holding of abandonment on August 11, 2006. Petitioner contended the papers mailed March 16, 2006, were never received.

A decision dismissing the petition was mailed November 24, 2006.

A renewed petition was not filed until July 30, 2007. Petitioner states the delay in filing the renewed petition arose due to a failure by petitioner to receive the November 24, 2006 decision.

Discussion:

In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and delivered to the address of record. In order to overcome this presumption, a petition must establish the chance the Notice was lost after receipt at the address of record is less than the chance the Notice was lost prior to being delivered to the address of record.

One of the factors the Office may consider in evaluating a petition is the delivery history of other correspondence. The Office has mailed several papers to petitioner's address related to the prior application or the instant application.

(1) Ex Parte Quayle action mailed July 23, 2004.
(2) Final Office action mailed October 25, 2004.
(3) Notice to File Missing Parts mailed December 20, 2004.
(4) Notice of Abandonment mailed May 24, 2005.
(5) Notice of Allowance and Notice of Allowability mailed March 16, 2006.
(6) Notice of Abandonment mailed August 1, 2006.
(7) Decision on Petition mailed November 24, 2006.

Petitioner states petitioner never received papers (5) and (7) listed above. Petitioner has stated petitioner received paper (6) listed above. Were any of items (1), (2), (3), and (4) never received?

Multiple parties share the same mailing address as petitioner. Once mail is received at the building, a receptionist sorts and forwards the mail. The mail for petitioner should be forwarded to Anna Harding. Ms. Harding is the administrative assistant for Richard Gamarra. Mr. Gamarra signed the instant petition and he is the sole inventor as well as President and CEO of California Tequila, LLC.

The reliability of the process used by the receptionist to sort mail is unclear. At the time the papers were "lost" by the USPS or petitioner, who was the receptionist and how long had he or she been sorting mail for the parties in the building? How often does California Tequila, LLC, receive mail addressed to other parties in the building? Why do parties at the address not include the proper floor number of the building as part of their official addresses? To the best of petitioner's knowledge, how often have other parties in the building received mail addressed to California Tequila, LLC or to Richard Gamarra? How many different parties share the same address as petitioner? Approximately how many pieces of correspondence must the receptionist sort on the average day? What percent of mail, on an average day, is addressed to California Tequila rather than another party in the building?

Petitioner is President and CEO of California Tequila, LLC. Approximately what percent of mail received by petitioner is addressed to California Tequila, LLC, and what percent is addressed to Richard Gamarra?

The correspondence address of record does not include the name, "California Tequila, LLC." IN order to properly sort the mail, the receptionist would have been required to associate the name Richard Gamarra with California Tequila, LLC. How familiar was the receptionist with the fact Mr. Gamarra was part of California Tequila, LLC? Could the receptionist have confused his name with a similar name in another part of the building?

The Office has considered the evidence supplied by petitioner. The current evidence fails to establish the chance the Notice was lost after receipt at the address of record is less than the chance the Notice was lost prior to being delivered to the address of record. Petitioner has asserted the failure to receive at least two pieces or correspondence. The petition fails to prove the likelihood the USPS lost both pieces of correspondence is greater than the likelihood petitioner lost one, or both, pieces of correspondence.

Any request for reconsideration should fully discuss the questions listed in this decision. Any request for reconsideration should also include a signed statement by the receptionist handling mail. The signed statement should discuss the exact process, and the reliability of the process, used to sort mail.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b) rather than a request for reconsideration. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply ($400 issue fee), the required petition fee ($750 for a small entity), 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 a terminal disclaimer with the required fee of $65.

A PDF fillable petition form and a PDF fillable terminal disclaimer for can be found at the following internet addresses:

(1) "http://www.uspto.gov/web/forms/sb0064_fill.pdf", and
(2) "http://www.uspto.gov/web/forms/sb0063_fill.pdf".

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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RICHARD D. GAMARRA
20434 SO. SANTA FE AVE.
LONG BEACH, CA 90810

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OCT 2 4 2007

OFFICE OF PETITIONS

In re Application of Gamarra :
Application No. 29/217,512 : Decision on Petition
Filing Date: November 19, 2004 :
For: Bottle :

This is a decision on the petition under 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

The petition is **granted**.

A Notice of Allowance and a Notice of Allowability were mailed March 16, 2006. The Notice of Allowance set a statutory period for reply of three (3) months and required the submission of $400 for the issue fee along with the return of the sheet titled, "PART B - FEE(S) TRANSMITTAL." The Office failed to receive a reply to the Notice of Allowance. The application became abandoned as of midnight on June 16, 2006. A Notice of Abandonment was mailed August 1, 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 issue fee and issue fee transmittal form. 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 filed a terminal disclaimer and the terminal disclaimer has been entered and accepted.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b) 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

571.270.9957

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 9, 2006

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/217533 Patent No.: D,521,684 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: _____

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 2900~~
SPE

2911
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

571.270.9957

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 9, 2006

TO SPE OF : ART UNIT 2911

SUBJECT : Request for Certificate of Correction for Appl. No.: 29/217533 Patent No.: D,521,684 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: _____

ALAN P. DOUGLAS
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 2900~~
SPE

2911
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

MAILED

JAN 26 2010

OFFICE OF PETITIONS

In re Patent No. D523154	:	
Application No. 29/217,567	:	
Filed: November 19, 2004	:	ON PETITION
Issued: June 13, 2006	:	
Attorney Docket No. P08495US01/DEJ	:	

This is a decision on the petition filed May 9, 2008, 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 **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 and correct address of an assignee is provided. 37 CFR 3.81(b) permits the patent to issue in the name and correct address of an assignee if the assignment was submitted after payment of the issue fee but ***prior to issuance of a patent***.

Current Patent and Trademark Office assignment records disclose that an assignment recorded on February 4, 2005, prior to the date of issuance of this patent, records "FREYSSINET INTERNATIONAL STUP" as the most recent assignee not "FREYSSINET INTERNATIONAL STUB" as petitioner has requested.

Petitioner is requesting that the Certificate of Correction reflect an assignment other than what was submitted on February 4, 2005.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

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

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ALEXANDRIA VA 22314

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FEB 04 2010

OFFICE OF PETITIONS

In re Patent No. D523154	:	
Application No. 29/217,567	:	
Filed: November 19, 2004	:	ON PETITION
Issued: June 13, 2006	:	
Attorney Docket No. P08495US01/DEJ	:	

This is a decision on the renewed petition filed January 27, 2010, 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**.

This matter is being referred 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) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

2/16/2010

Patent No. :D523154
Ser. No. :29/217567
Inventor(s) :Stubler
Issued : 6/13/06
Title : SUSPENSION BRIDGE
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.

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

STITES &HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA, VA 22314

HR

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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,737	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,738	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,739	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,740	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
www.uspto.gov

DEC 13 2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,741	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2005

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,742	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,743	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Set of Golf Club Heads	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle
Director
Technology Center 3700/2900

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Alexandria, VA 22313-1450
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DEC 13 2004

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,744	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,745	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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DEC 13 2004

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SUITE 1100
WASHINGTON DC 20001

In re Application of	:	
Carl L. Madore	:	
Serial No.: 29/217,746	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 23, 2004	:	
For: Portion of a Golf Club Head	:	

This is in response to the Request for expedited examination applicant filed November 23, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

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THE BLACK & DECKER CORPORATION
TW-199
701 EAST JOPPA ROAD
TOWSON MD 21286

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JUN 0 2 2005

OFFICE OF PETITIONS

In re Application of :
Gabriel E. Concari et al. :
Application No. 29/217,749 :
Filed: November 22, 2004 : ON PETITION
Atty Docket No. TN-09424A :

This is in response to the petition under 37 CFR 1.47(a) filed March 14, 2005.

The petition is **DISMISSED** as involving moot issues.

A Notice to File Missing Parts was mailed January 11, 2005 as the oath or declaration filed November 22, 2004 did not include a signature for joint inventor Damon J. Nawrozki. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in Application No. 29/197,849, filed on January 21, 2004, of which the instant application is a continuation. Furthermore, a copy of the decision, mailed August 2, 2004, granting a petition to accord § 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues. As no petition fee is necessary, no petition fee has been charged. However, the surcharge for late filing of an oath or declaration has been properly remitted and properly applied.

As provided in Rule 1.47(c), since notice was provided after the grant of Rule 1.47(a) status in the prior application, the Office is dispensing with the notice provision in this divisional application.

After this decision is mailed, the matter will be 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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

MAY 25 2005

In re Application of HLAVACS. Serial Number: 29/217,763 Filed: November 23, 2004 For: PORTION OF A SHOE MIDSOLE	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 11, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

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MAY 25 2005

In re Application of SMITH. Serial Number: 29/217,764 Filed: November 23, 2004 For: PORTION OF A SHOE MIDSOLE	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed February 11, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

BANNER & WITCOFF
1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

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MAY 25 2005

In re Application of FONTANAROSA. Serial Number: 29/217,765 Filed: November 23, 2004 For: PORTION OF A SHOE UPPER	: : : : :	PETITION UNDER M.P.E.P.708.02 VIII

This is in response to the petition filed April 6, 2005, requesting that the above-identified application be granted Special Status under Section 708.02 VIII of the MPEP.

A petition for Special Status under Section 708.02 VIII is required to include a detailed discussion of the references, which points out how the claimed subject matter is patentable over the references cited in the pre-examination search (MPEP 708.02 VIII (E)). The instant petition includes a general assertion that the claimed design is neither anticipated by nor obvious over any of the cited references but does not include a detailed discussion of the references as required.

Accordingly the petition is **DENIED.**

Richard Crispino
Special Programs Examiner

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1001 G STREET NW
SUITE 1100
WASHINGTON, DC 20001

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APR 18 2007

OFFICE OF PETITIONS

William F. Hamrock, PA
50 Winter Harbor Road
Kennebunkport, ME 04046

In re Application of:
DAM VAN VU
Application No.: 29/217,790
Filed: November 22, 2004
Atty's Docket No.: VU-3

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed April 03, 2006.

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, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on December 23, 2005.

On April 03, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue and publication fees. Accordingly, the issue fee payment is accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 13 2004

WALSTEIN BENNETT SMITH III
P. O. BOX 1668
GEORGETOWN TX 78628

In re Application of	:	
Paul Montgomery	:	
Serial No.: 29/217,791	:	**REQUEST FOR EXPEDITED EXAMINATION**
Filed: November 22, 2004	:	
For: Portable Electronic Device	:	

This is in response to the Request for expedited examination applicant filed November 22, 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 (571)272-2975 or by facsimile transmission at (571)273-0275.

John E. Kittle

John E. Kittle
Director
Technology Center 3700/2900

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 10, 2007

TO SPE OF : ART UNIT 2914 29/217814

SUBJECT : Request for Certificate of Correction on Patent No.: D.531016 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.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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 M. REID
SUPERVISORY PATENT EXAMINER

SPE

2912

Art Unit

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MCGINN & GIBB, PLLC
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SUITE 200
VIENNA VA 22182-3817

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AUG 2 5 2005

OFFICE OF PETITIONS

In re Application of	:	
Kawaguchi, Kiyomi	:	
Application No. 29/217,839	:	ON PETITION
Filed: November 24, 2004	:	
Attorney Docket No. JAF-037-US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 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 February 9, 2005, which set a non-extendable period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 10, 2005. A Notice of Abandonment was mailed on August 3, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

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
Office of the Deputy Commissioner
for Patent Examination Policy